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14 May 1992

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Forty-seventh session
Item 69 of the preliminary list*

REVIEW OF THE IMPLEMENTATION OF THE DECLARATION ON THE STRENGTHENING OF INTERNATIONAL SECURITY

Letter dated 12 May 1992 from the Chargé d'affaires a.i. of of the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement of the European Community and its member States on Bosnia and Herzegovina, issued at Brussels on 11 May 1992 (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the forty-seventh session of the General Assembly under item 69 of the preliminary list.

(Signed) José Caetano da COSTA PEREIRA
Chargé d'affaires a.i.

* A/47/50.

ANNEX

Declaration on Bosnia and Herzegovina issued by the European Community and its member States at Brussels on 11 May 1992

The Community and its member States, following with great concern the situation in Bosnia and Herzegovina, restate that a political solution can only be based on the principles established in the constitutional talks between Serbs, Croats and Muslims, sponsored by the Peace Conference.

The consistent deterioration of the security situation, however, renders progress in those talks increasingly uncertain and casts doubts on the viability of any agreement to be reached in them.

Although all parties have contributed in their own way to the present state of affairs, by far the greatest share of the blame falls on the JNA and the Authorities in Belgrade which are in control of the army, both directly and indirectly, by supporting Serbian irregulars. The killings and expulsion of populations in Bijeljina, Zvornik, Foca and other towns and villages, the siege and systematic shelling of Sarajevo, the holding of Sarajevo airport preventing even the safe passage of humanitarian relief from the ICRC are actions deserving universal condemnation.

The Community and its member States demand:

the complete withdrawal of the JNA and its armaments from Bosnia and Herzegovina or the disbandment of its forces and the placing of its armaments under effective international monitoring;

the reopening of Sarajevo airport under conditions of safety, allowing for the urgently needed humanitarian aid to be distributed.

The Community and its member States also request that the authorities in Belgrade commit themselves to:

respect for the integrity of all borders of all republics;

respect for the rights of minorities and national or ethnic groups, including Kosovo and Vojvodina, in accordance with the Carrington Draft Convention;

promote the conclusion of an agreement on a special status for Krajina ensuring respect of territorial integrity of Croatia;

fully cooperate with all parties at the Conference for settling the question of State succession.

The Community and its member States furthermore decide to:

recall their Ambassadors in Belgrade for consultations;

demand the suspension of the delegation of Yugoslavia at the Conference on Security and Cooperation in Europe from taking part in the proceedings for the present; the situation will be reviewed on 29 June;

further pursue, should the situation remain unchanged, the increasing isolation of the Yugoslav delegation in international fora, bearing in mind, in particular, the impending Organisation for Economic Cooperation and Development ministerial meeting;

ask the Commission to study the modalities of possible economic sanctions.

The Community and its member States call upon the Government of Bosnia and Herzegovina to cooperate fully in the orderly withdrawal of the JNA. Together with the withdrawal, a phased demobilization of territorial defence forces must take place. They urge the Government of Croatia to do all in their power to prevent an incursion into Bosnia and Herzegovina of military and para-military forces as well as the smuggling of weapons.

The Community and its member States will keep the situation under review, in particular as far as the demands to the authorities in Belgrade are concerned. Failure to comply with the above will be taken into account when considering the question of recognition of the new federal entity on which Lord Carrington and the Arbitration Commission have been asked for advice.

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GENERAL ASSEMBLY
Forty-seventh session
Item 94 (a) of the preliminary list*
SOCIAL DEVELOPMENT: QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1992
Item 18 (b) of the provisional agenda
SOCIAL DEVELOPMENT QUESTIONS: SOCIAL DEVELOPMENT

CONTINUATION OF THE VOLUNTARY FUND FOR THE UNITED NATIONS DECADE OF DISABLED PERSONS

Note by the Secretary-General

I. BACKGROUND

1. In its resolution 46/96 of 16 December 1991, the General Assembly requested, inter alia, the Economic and Social Council at its first regular session of 1992 to give its views on the continuation of the Voluntary Fund for the United Nations Decade of Disabled Persons, with new terms of reference, in response to resolution 45/91 of 14 December 1990, and to submit its recommendations to the Assembly at its forty-seventh session.

2. The present note of the Secretary-General is prepared to ensure that the Economic and Social Council has the most relevant information when it considers the issue. The note will then be transmitted to the General Assembly at its forty-seventh session, along with the views of the Council on the subject.

3. The General Assembly, in resolution 45/91, requested the Secretary-General to shift the focus of the United Nations programme on disability from awareness-raising to action, with the aim of achieving a society for all by the year 2010, and stressed the need for priority to be given to action-oriented programmes and sustained commitment by Member States to the implementation of the World Programme of Action beyond the Decade and to ensure thereby the continued improvement of the situation of disabled persons.

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4. The Voluntary Fund, originally entitled the United Nations Trust Fund for the International Year of Disabled Persons, was established by the Secretary-General pursuant to General Assembly resolution 32/133 of 16 December 1977.

5. By its resolution 40/31 of 29 November 1985 the General Assembly endorsed the terms of reference of the Trust Fund proposed by the Secretary-General (see A/40/728 and Corr.1) to further the achievement of the goals of the World Programme of Action concerning Disabled Persons (A/37/35/Add.1 and Add.1/Corr.1, annex) of full participation and equalization of opportunities of disabled persons, and decided that the Trust Fund should henceforth be called the Voluntary Fund for the United Nations Decade of Disabled Persons. By the same resolution the Assembly reaffirmed that the resources of the Voluntary Fund should be used to support the implementation of the objectives of the World Programme of Action within the framework of the United Nations Decade of Disabled Persons (1983-1992), with priority given, as appropriate, to programmes and projects of least developed countries.

II. PERFORMANCE OF THE FUND

6. Since becoming operational in 1980 through to the end of 1991, the Fund provided a total of nearly US$ 3 million in seed-money grants to 161 disability-related projects, in Africa, Asia and the Pacific, Western Asia and Latin America and the Carribean. Global or regional projects accounted for 30 per cent of the total number of projects supported and 37 per cent of the total funds distributed (see table).

Table. Projects supported and grants disbursed by region, January 1980-December 1991

Regions	Number of projects	Percentage	Value of grants (United States dollars)	Percentage
Africa	45	28	1 075 281	37
Asia and the Pacific	36	22	476 922	16
Europe	1	0.6	1 440	0.05
Latin America and the Caribbean	15	9	129 300	4
Western Asia	16	10	294 413	10
Interregional/global	48	30	955 154	33
Total	161		2 932 510	

7. National capacity-building and institutional development were the main focus of the Fund-assisted activities. Training activities supported by the Fund accounted for 38 per cent of the total resources; technical exchange and knowledge (20 per cent); support to disabled persons' own organizations (19 per cent); data collection and applied research (13 per cent); and promotional activities (7.45 per cent).

8. Sources of finance were primarily the contributions of 44 Member States, as well as small non-governmental organization and private sector contributions. Co-financing arrangements with the Arab Gulf Programme for United Nations Development Organizations (AGFUND) assisted 19 projects.

9. In accordance with its terms of reference, the Fund supported catalytic and innovative projects in the disability field, by providing seed money to small-scale disability-specific income-generating projects; by supporting networks of disabled persons' own organizations and encouraging South-South cooperation; by promoting awareness-raising activities and by reinforcing disability concerns within wider development programmes. The Fund has filled a specific and otherwise neglected niche by directly targeting disability issues and supporting small-scale projects. It has also enhanced cooperation between and within the non-governmental community by providing an opportunity for their direct involvement.

III. CONTINUATION OF THE FUND

10. The Secretary-General is of the view that the Voluntary Fund has contributed significantly to the work of the United Nations in the disability field, directly benefitting grassroot-level initiatives, and that it should continue in the period beyond the Decade, henceforth called the United Nations Fund on Disability in order to reach the international community's target, endorsed by resolution 45/91, of a society for all by the year 2010. In this context the Secretary-General suggests the following Terms of Reference of the Fund for the consideration of the Economic and Social Council:

Proposed terms of reference

The resources of the Fund shall be used to strengthen technical cooperation activites in the disability field between developed and developing countries, and between developing countries, through the co-financing of field-based technical cooperation activities related to integrated policies, strategies and programmes within the framework of the World Programme of Action concerning Disabled Persons, with special emphasis on least developed countries and on especially disadvantaged groups, for example, disabled women, elderly disabled persons, the hearing-impaired, mentally disabled persons and persons with multiple disabilities.

Specific activities eligible for funding shall include:

(a) The strengthening and improving of national capacities for:

(i) The attainment of the rights of disabled persons and the integration of disability aspects into national planning;

(ii) Training and advisory services on disability prevention, rehabilitation and equalization of opportunities;

(b) Human resources development of disabled persons and the initiation of employment-generating activities with the aim of encouraging the independance of disabled persons within their communities;

(c) The establishment and strengthening of organizations of disabled persons;

(d) The development and dissemination of appropriate disability-related technologies and know-how;

(e) Data collection, applied research and evaluation of integrated disability policies, strategies and programmes;

(f) Training for establishing and strengthening national coordinating committees or similar bodies.

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Item 33 of the preliminary list*

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 15 May 1992 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

As you are aware, the Second Plenary Session of the Convention for a Democratic South Africa (Codesa II) was convened near Johannesburg today. The Convention had before it the reports of the five Codesa Working Groups, which have been active since the convening of Codesa I in December 1991. Copies are enclosed for your information.

With regard to four of the reports, consensus has been reached by the 19 participants subject to reservations noted in the text. You will, however, note that agreement has thus far eluded the participants in the case of the report of Working Group II. The position of the Government of South Africa with regard to paragraph 3.2 and its proposed version of the Working Group's report to the plenary of Codesa is to be found on page 42.

It nevertheless pleases me to inform you that consensus has been attained by Working Group II of Codesa on the following issues:

(a) A Bill of Rights;

(b) A governmental structure organized on a national, regional and local level;

(c) Effective participation by minority parties;

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(d) The elaboration and adoption of the final constitution by the National Assembly.

The two primary issues on which it proved impossible to achieve consensus before the Second Plenary Session of Codesa are:

(a) The percentage vote necessary for the adoption and/or amendment of the new constitution;

(b) The establishment of an Upper House (Senate) together with a Lower House (National Assembly).

Regarding the adoption of the constitution, the Government of South Africa's position is as follows:

(a) Each clause in the constitution, as well as the constitution as a whole, would require a majority of 66.7 per cent for adoption;

(b) For the adoption and amendment of the following, a majority of 75 per cent would be required:

(i) The Bill of Rights;

(ii) The governmental structure based on national, regional and local government;

(iii) A multiparty democracy with minority representation in parliament.

I trust you will agree that the Government's position on the amendment and adoption of the constitution is in accordance with generally accepted international constitutional standards, including those applicable to entrenched clauses. Constitutional amendments in leading democracies require majorities that are similar to or noticeably higher than those proposed by the Government of South Africa. The Government is thus of the opinion that its position is reasonable in the light of the circumstances prevailing in South Africa.

It would be appreciated if the present letter and the enclosures could be circulated as an official document of the General Assembly under item 33 of the preliminary list.

(Signed) V. R. W. STEWARD
Ambassador
Permanent Representative

CONVENTION FOR A DEMOCRATIC SOUTH AFRICA

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ANNEXURE A

THE CONVENTION FOR A DEMOCRATIC SOUTH AFRICA (CODESA)

BACKGROUND NOTES:

**CONSTITUTIONAL DEVELOPMENT IN SOUTH AFRICA:
20 SEPTEMBER 1989 TO 16 MAY 1992:**

The current phase in constitutional development began with the inauguration of Mr F W de Klerk as State President of the Republic of South Africa on 20 September 1989.

In his first address to Parliament as State President, Mr de Klerk emphasized the necessity of negotiation in the achievement of peace. He committed the South African Government to the process of negotiation as its highest priority, and the normalisation of the political process in South Africa, saying, "Practically every leader agrees that negotiation is the key to reconciliation, peace and a new and just dispensation".

It would, however, have been meaningless for the President to have made such a commitment while many of the most important political organisations were still banned and their leaders were either imprisoned or in exile abroad. Consequently, on 2 February 1990 he announced that the South African Government had decided to repeal the banning of the African National Congress (ANC), the South African Communist Party (SACP) and others, to release people who had been imprisoned purely for their membership of these organisations, and to remove the restrictions that had been placed on more than 30 other organisations in terms of the emergency regulations. Mr Nelson Mandela's unconditional release from prison on 11 February 1990 was one of the many dramatic announcements of 1990.

THE GROOTE SCHUUR MINUTE OF 2, 3 AND 4 MAY 1990

A South African Government delegation led by President FW De Klerk met with ANC leaders at Groote Schuur in Cape Town on 2, 3 and 4 May 1990. At the end of the meeting, The Groote Schuur Minute was adopted. The main thrust of the meeting was to establish a Working Group to:

- define political offences;

- advise on norms and mechanisms for dealing with the released political prisoners;

- advise on the granting of indemnity in respect of political offences to those inside and outside South Africa.

offences to those inside and outside South Africa.

THE PRETORIA MINUTE OF 6 AUGUST 1990

The South African Government held important discussions with the African National Congress at the Union Buildings in Pretoria on 6 August 1990. In the joint statement released afterwards, the two delegations repeated their commitment to the Groote Schuur Minute and announced that the final report of the Working Group on political offences was acceptable to them. It was decided at this meeting that a plan should be drafted for the release of ANC prisoners and the granting of indemnity. As a result of this, a large number of political prisoners were given their freedom, thousands of political exiles began returning home to South Africa, and a great many people were granted indemnity from prosecution for politically motivated crimes.

The African National Congress at the same time announced that, in the light of the agreements reached and in order to expedite a negotiated, peaceful political settlement, it would suspend the so-called "armed struggle" with immediate effect. This meant that the ANC and its military wing, Umkhonto We Sizwe, would desist from "armed actions and related activities". However, both parties further agreed that the general level of violence, intimidation and unrest in the country was unacceptable and that they should do all in their power to bring these evils to an end.

The Government undertook to review security legislation, especially the Internal Security Act, which had, for example, made membership of the South African Communist Party a criminal offence. The object of this exercise was to enhance free political activity, as promised by President De Klerk at the time of his inauguration.

The Pretoria minute concluded with the following words:

"We are convinced that what we have agreed upon today can become a milestone on the road to true peace and prosperity for our country. In this way we do not pretend to be the only parties involved in the process of shaping the New South Africa. We know that there are other parties committed to peaceful progress. All of us can henceforth walk that road in consultation and co-operation with each other. We call upon all those who have not yet committed themselves to peaceful negotiations to do so now".

PRESIDENT DE KLERK'S OPENING ADDRESS TO PARLIAMENT AND THE RELEASE OF THE SOUTH AFRICAN GOVERNMENT'S MANIFESTO FOR THE NEW SOUTH AFRICA ON 1 FEBRUARY 1991

President De Klerk's address dealt with the entire spectrum of government activity. The "Manifesto For The New South Africa",

summarising the Government's approach to national values and ideals, was released on the same day. Some of the relevant highlights of the Manifesto and the State President's address were the following:

"The goal ... is to give all South Africans full rights in every sphere of life".

"South Africa cannot allow or permit the dynamic process of reform to slow down ... we have to give impetus to our resolve to build a New South African nation".

"The time has arrived for nation-building".

"The basis of the New South Africa should be justice. The great majority of South Africans desire a just state which will guarantee basic liberties, rule out arbitrary actions and domination, and which will require and assure responsible citizenship".

"The New South Africa should epitomise the following objectives:

They want peace ... that they and their families and their property will be safe;

They want prosperity ... effective education, health and welfare services, as well as adequate housing and recreational facilities;

They want participation in democratic institutions ... part of government on every level ... proud together of our country, South Africa".

"South Africa dare not make the mistakes that led to impoverishment and dictatorship in so many countries of the world".

In his parliamentary address on that day President De Klerk reported that much progress had been made during the preceding year, and that two important questions faced Parliament, namely, what had to be done and what needed to be abolished?

During the 1991 session of Parliament numerous discriminatory enactments were repealed, including, the Land Acts of 1913 and 1936 and the Group Areas Act of 1966. The Population Registration Act of 1950, the keystone of "apartheid" also fell under the axe, bringing to an end the era of institutionalised racial discrimination. As the pillars of apartheid fell one after the other, South Africa was placed on an irreversible course of reform towards becoming a full democracy on the African continent.

THE DF MALAN ACCORD BETWEEN THE GOVERNMENT AND THE AFRICAN NATIONAL CONGRESS ON 12 FEBRUARY 1991

These discussions were held as a follow-up to the Pretoria Minute of 6 August 1990 and the most important item on the agenda was the consideration of the report of the Working Group set up on 6 August 1990.

The following salient points are contained in the report:

"It was agreed that the African National Congress would not allow attacks by means of armaments, firearms, explosives of incendiary devices, infiltration of men and material creation of underground structures, statements inciting violence, threats of armed action, or training inside South Africa.

The democratic process implies and obliges all political parties and movements to participate in this process peacefully and without resort to the use of force.

In a democratic society no political party or movement should have a private army.

It was vital that control over African National Congress caches and arms be exercised to ensure that no armed actions or related activities occur.

Where applicable, individual weapons be licensed in terms of existing legislation.

Agreed ... that the security forces take cognizance of the suspension of armed action and related activities and that the parties hereto will remain in close liaison with one another according to the procedure prescribed ... with a view to ensuring prompt and efficient reporting, investigating and redressing, where applicable, of all allegations of unlawful activities or activities contrary to the spirit of this agreement, by the security forces.

The population at large has a right to express its views through peaceful demonstrations.

Violence and intimidation from whatever quarter accompanying mass action should be eliminated.

Peaceful political activities and stability must be promoted."

THE SIGNING OF THE NATIONAL PEACE ACCORD ON 14 SEPTEMBER 1991

The next important milestone on South Africa's irreversible course of reform was the signing of the National Peace Accord in Johannesburg on 14 September 1991. Violence had become a serious

stumbling block in the way of meaningful political and constitutional progress. The National Peace Accord was intended to promote peace and prosperity in violence-stricken communities and for South Africa as a whole.

The parties to the Accord agreed on the following:

"A Code of Conduct to be followed by all the political parties and organisations that are signatories to the Accord;

A Code of Conduct to be adhered to by every police officer to the best of his or her ability, as well as a detailed agreement on the security forces;

Guidelines for the reconstruction and development of communities;

Mechanisms for the implementation of the Accord".

The following principles flowed from the Accord:

"Multi-party democracy as a common goal;

Recognition of certain fundamental rights in order to ensure democratic political activity. These include freedom of conscience and belief, freedom of speech and expression, freedom of association, peaceful assembly, freedom of movement and free participation in peaceful political activity".

The signatories to the Accord declared:

"We the signatories accordingly solemnly bind ourselves to this accord and shall ensure as far as humanly possible that all our members and supporters will comply with the provisions of this accord and respect its underlying rights and values and we, the Government signatories undertake to pursue the objectives of this accord and seek to give effect to its provisions by way of the legislative, executive and budgeting procedures to which we have access".

THE SIGNING OF THE DECLARATION OF INTENT AT THE CONVENTION FOR A DEMOCRATIC SOUTH AFRICA AT THE WORLD TRADE CENTRE IN JOHANNESBURG ON 20 DECEMBER 1991

One of the most significant milestones in the history of constitutional change in South Africa was achieved when, as a result of the Government's dedication to reform, various political parties and organisations, the South African Government, the Governments of the TBVC states, and political parties having their support base in the National States met at the World Trade Centre near Johannesburg on 20 and 21 December 1991. This meeting, commonly referred to as CODESA I, heralded

the beginning of the most important phase in the normalisation of South Africa's political and constitutional history.

The following 19 organisations attended the first plenary session of CODESA: (You will recall that the PAC attended, but walked out about lunch time on the first day.)

- African National Congress;
- Bophuthatswana Government;
- Ciskei Government;
- Democratic Party;
- Dikwankwetla Party (a QwaQwa political party - a South Sotho word meaning "Party of the Strong Men");
- Inkatha Freedom Party (predominantly Zulu political party - a Zulu word meaning "coil/secret emblem signifying loyalty and solidarity");
- Inyandza National Movement (KaNgwane political party - a Swazi word meaning "Bundle" or "Unity");
- Intando Yesizwe Party (a Ndebele political party - Ndebele words meaning "The Wheel of the People");
- Labour Party of South Africa;
- Natal/Transvaal Indian Congress;
- National Party of South Africa;
- National People's Party;
- Solidarity;
- South African Communist Party;
- South African Government;
- Transkei Government;
- United People's Front (a political party of Lebowa - North Sotho);
- Venda Government;
- Ximoko Progressive Party (a political party of Gazankulu - a Nguni word meaning "Whip").

The Declaration of Intent was signed by all these participants, with the exception of the Inkatha Freedom Party and the Bophuthatswana Government. The IFP objected to the concept of a unitary government which, according to them, does not leave room for federalism. The Bophuthatswana Government stated that it wished to keep its options open. All 19 parties including the non-signatories however, participated fully in the work of all five Working Groups. The parties declared their solemn commitment to:

- "bring about an undivided South Africa with one nation sharing a common citizenship, patriotism and loyalty ...;

- work to heal the divisions of the past, to secure the advancement of all and to establish a free and open society based on democratic values ...;

- strive to improve the quality of life of our people ... and ensure equal opportunities and social justice for all South Africans ...;

- create a climate conducive to peaceful constitutional change ...;

- set in motion the process of drawing up and establishing a constitution that will ensure ... that there will be a multi-party democracy ... with regular elections on the basis of universal suffrage ... that all shall enjoy universally accepted human rights, freedoms and civil liberties ... protected by ... a Bill of Rights."

PRESIDENT FW DE KLERK'S OPENING ADDRESS TO PARLIAMENT ON 24 JANUARY 1992

During his address the President dealt with the road ahead, spelling out the South African Government's policy regarding the future of the negotiating process, the content of negotiations and his views on specific issues.

The President inter alia stated: "Everywhere it has finally dawned upon everybody that we are experiencing a decisive period in our history ... much progress has been made ... we are, therefore, firmly on course towards our goal of a free and democratic constitutional system based on the principle of representation for all and the elimination of abuse of power".

REPLACEMENT OF PARLIAMENT AND THE SOUTH AFRICAN GOVERNMENT BY CODESA

CODESA is not an institution with governmental authority or power and therefore does not in any way replace the South African Government, Parliament or any other legal institutions of

authority. CODESA is neither a joint legislator nor a joint government, and the Government's participation in it does not in any way entail relinquishing of its powers or authority, or those of Parliament.

Only Parliament, as presently constituted, has the power to amend the present Constitution or to give legislative effect to the decisions of CODESA.

In so far as decisions of CODESA are concerned, the South African Government is obliged to implement those to which it has committed itself by way of agreement and which are within its powers.

It is important to understand the way in which CODESA operates. In this regard CODESA functions in two ways:

(a) through plenary sessions where all the principals, listed above, debate and finally approve the work done by the Working Groups (WGs); and

(b) by the five Working Groups which debate the real issues and thrash out the details.

Since 6 February 1992 the Working Groups and their Sub-groups, where applicable, have met on a weekly basis to debate and to reach consensus on the matters before them, and to prepare reports for consideration in plenary of CODESA 2 on Friday 15 and Saturday 16 May 1992.

ANNEXURE B

THE CONVENTION FOR A DEMOCRATIC SOUTH AFRICA (CODESA)
REPORTS OF WORKING GROUPS 1 TO 5 TO PLENARY OF CODESA 2

REPORT BY WORKING GROUP 1 TO CODESA 2 ON THE EXECUTION OF ITS ASSIGNMENTS

QUOTE

A. . ASSIGNMENT 1: THE CREATION OF A CLIMATE FOR FREE POLITICAL ACTIVITY

1.1.1 To investigate and report upon all proposals and make recommendations with regard to the actions needed to be taken to foster and establish in south Africa a climate in which all individuals and organisations can participate freely, without interference or intimidation, in all political activity and, in particular, in the processes leading up to the introduction of a new constitution.

4. (a) THE FINALISATION OF MATTERS RELATING TO POLITICAL PRISONERS AND POLITICAL TRIALS

4.1 The matter was extensively discussed by Sub-Group 1 on 11 February 1992.

4.2 It was agreed that the release of political prisoners is a priority in the completion of the reconciliation process.

4.3 It was agreed that in view of the existing bilateral agreements between the SA Government and the ANC, the said parties should pursue their bilateral talks relating to political prisoners and the return of exiles and report to the Sub-Group (SG) on progress made.

4.4 As subsequent meetings of the SG the SA Government and the ANC reported that discussions between them as envisaged in paragraph 4.3 were continuing satisfactorily and that a report will in due course be made to WG1. To date no such report has been received by WG1.

4.5 It was further agreed that, with the exception of the reports on the bilateral meetings between the SA Government and the ANC, any further discussions on the issue of political prisoners will be conditional on submissions being received on the current existence and detention of political prisoners.

5. (b) THE RETURN OF EXILES AND THEIR FAMILIES

This matter was briefly discussed in SG1 and referred to bilateral discussions between the SA Government and the ANC (refer paragraph 4.4 above).

6. (c) THE AMENDMENT AND/OR REPEAL OF ANY REMAINING LAWS MILITATING AGAINST FREE POLITICAL ACTIVITY, INCLUDING THE ELIMINATION OF ALL DISCRIMINATORY LEGISLATION

6.1 LAWS MILITATING AGAINST FREE POLITICAL ACTIVITY

6.1.1 APPROACH

It was agreed that the approach to the issue of laws militating against free political activity should be the following:

6.1.1.1 Firstly, there needs to be acceptance of the principle of free political activity.

6.1.1.2 Secondly, there needs to be agreement on the definition of general principles underpinning/ guidelines for free political activity.

6.1.1.3 Thirdly, attention must be given to specific pieces of legislation.

6.1.2 GENERAL PRINCIPLE

Regarding 6.1.1.1 it was agreed that:

6.1.2.1 a climate for free political participation is an essential element of the transitional phase towards and in a democratic South Africa; and

6.1.2.2 the process of democracy requires that all participants in the political process should be free to participate peacefully in that process without fear and on an equal footing and on the basis of equality with other participants.

6.1.2.3 The South African Government and the NP expressed their reservations on paragraph 6.1.2.2 reserving their point of view until a full resolution dealing with principles governing free political activity was debated.

6.1.3 DEFINITION OF/GENERAL PRINCIPLES UNDERPINNING/ GUIDELINES FOR FREE POLITICAL ACTIVITY

6.1.3.1 There was agreement on the necessity to formulate a definition of, or the principles underpinning, free political activity.

6.1.3.2 Various oral and written submissions on the content of such definition/principles were made and a motion tabled.

6.1.3.3 No consensus has yet been reached on a definition of/general principles underpinning free political activity.

6.1.4 SPECIFIC MEASURES

Regarding 6.1.1.3 various oral and written submissions were received about legislative measures which may offend against free political activity. The submissions dealt with the following broad categories of legislation:

6.1.4.1 Emergency measures;

6.1.4.2 Security measures;

6.1.4.3 Measures affecting the funding of political Parties and Organisations;

6.1.4.4 Measures affecting the freedom of assembly and association;

6.1.4.5 Measures affecting the free flow of information and access to the media.

6.1.5 TASK GROUP

A Task Group was appointed to inquire into the reform of Emergency and Security legislation. The Task Group met several times and made appropriate recommendations.

6.1.6 EMERGENCY LEGISLATION

6.1.6.1 It was agreed that:

6.1.6.1.1 A State of Emergency should only be declared on the advice of a multi-party interim executive/ cabinet/interim government council. This would only take effect once such a body has been instituted;

6.1.6.1.2 The proclamation of a State of Emergency or an unrest area and any regulations issued in terms thereof should be objectively justiciable in a court of law on, inter alia, the following grounds:

6.1.6.1.2.1 whether the factual situation existing at the time justifies the declaration of the State of Emergency or unrest area in terms of criteria laid down in the Public Safety Act, 1953;

6.1.6.1.2.2 whether the exigencies of the situation justify the powers conferred by regulations made in terms of the proclamation of the State of Emergency or unrest area;

6.1.6.1.3 The provision in the Public Safety Act, 1953, that a State of Emergency can be declared retrospectively, should be repealed.

6.1.6.1.4 It is desirable to include in the Public Safety Act, 1953:

6.1.6.1.4.1 Extended provisions for Parliamentary control of a State of Emergency;

6.1.6.1.4.2 A provision for certain non-derogable rights;

6.1.6.1.4.3 Provisions for certain procedural controls over detention without trial.

6.1.6.2 It is recommended that the timing of the implementation of the various agreed proposals be negotiated as a matter of urgency amongst the parties.

6.1.7 SECURITY LEGISLATION

It was agreed that:

6.1.7.1 Special measures are necessary to deal with the threat to the public peace and order during the transitional period;

6.1.7.2 In the light of 6.1.7.1, the Internal Security Act 1982, and other relevant legislation be scrutinised with a view to the substitution of the said provisions so as to bring legislation in line with the criteria mentioned in 6.1.7.1., and to remove the emphasis from national security;

6.1.7.3 A Task Group be appointed to undertake the task referred to in 6.1.7.2., taking cognisance of relevant discussions by and submissions to SG1.

6.1.8 PROCEDURE

Regarding the procedure to be followed in the repeal and/or amendment of legislative measures militating against free political activity, it was agreed that the following three options (not necessarily exhaustive or mutually exclusive) should be examined:

6.1.8.1 separate pieces of legislation amending/repealing individual statutes and/or the use of a General Law Amendment Act;

6.1.8.2 amendment/repeal of offending legislation combined with the enactment of a interim statute dealing with freedom of association, assembly and speech against which any outstanding offending measures may be tested.

6.1.8.3 the enactment of an Interim Bill of Rights against which offending legislation can be tested;

6.2 DISCRIMINATORY LEGISLATION

6.2.1 It was agreed that the following categories of discriminatory legislation can be identified and that individual legislative measures within each category should be dealt with in the manner outlined as being appropriate for that category;

6.2.1.1 Discriminatory legislation which impedes the creation of a climate for free political activity. Such legislation must be identified by WG1 and amended/repealed as soon as possible.

6.2.1.2 Discriminatory legislation which emanates from the nature of the tricameral constitution. This should be dealt with at the time and in the manner decided on by negotiation on the phasing out of the tricameral constitution and the own affairs dispensation.

6.2.1.3 Discriminatory legislation which need to be amended/repealed to support and enhance the process of democratisation. These should be identified as soon as possible and suitable amended/repealed.

6.2.1.4 Discriminatory legislation which needs to be removed in the interests of society. These should be dealt with at the relevant stage of the democratisation process.

6.2.1.5 Discriminatory legislation which would infringe upon an agreed Bill of Rights. These should be dealt with through the procedures that stand to be created in a new constitution which will include a justiciable Bill of Rights.

6.2.2 The WG received proposals on discriminatory legislation which falls in the above categories and which should be amended and/or repealed. The discussions on these proposals are incomplete and it was agreed that the Task Group constituted in terms of para 6.1.7.3 above, or any other mechanism set up by CODESA, discuss the proposals regarding discriminatory legislation which falls within categories 6.2.1.1 and 6.2.1.3 above with a view to making appropriate recommendations. Such Task Group or appointed body should report to CODESA or any other appropriate executive body that may be set up by CODESA.

7. (d) POLITICAL INTIMIDATION:

"Any action or set of actions committed by an individual, organisation, political party, government represented at CODESA, as well as the self governing territories, or any agency of such government or self governing territory that is designed by the use or the threat of use of force or violence to disrupt or interfere with the legal rights of an individual, for instance; the right to freedom of expression or opinion; the right of freedom of association; the right of freedom of movement"

It was agreed that:

7.1 ALL POLITICAL DISPUTES BETWEEN PARTIES BE RESOLVED PEACEFULLY

7.2 POLITICAL INTIMIDATION BE DEFINED AS FOLLOWS:

Any action or set of actions committed by any individual, organisation, political party, government represented at CODESA, as well as the self-governing territories or any agency of such government or self-governing territory, that is designed by the use or the threat of use of force

or violence to disrupt or interfere with the legal rights of an individual, inter alia:

7.2.1 the right to freedom of expression or opinion;

7.2.2 the right of freedom of association;

7.2.3 the right of freedom of movement.

7.3. IN PARTICULAR, THE FOLLOWING SHALL BE CONSIDERED FORMS OF POLITICAL INTIMIDATION:

7.3.1 to kill, injure, apply violence to, intimidate or threaten any other person or his/her political beliefs, words, writings or actions;

7.3.2 to remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any other political party or organisation;

7.3.3 to interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend, any gathering for political purposes;

7.3.4 to seek to compel, by force or threat of force, any person to join any party or organisation, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or withhold his or her labour or fail to perform a lawful obligation; or

7.3.5 to obstruct or interfere with an official representative of any other political party or organisation's message to contact or address any group of people;

7.3.6 the possession, carrying or displaying of dangerous weapons or firearms by members of the general public when attending any political gathering or meeting.

8. (e) THE TERMINATION OF THE USE OF MILITARY AND/OR VIOLENT MEANS OR THE THREAT THEREOF TO PROMOTE THE OBJECTIVES/VIEWS OF A POLITICAL PARTY OR ORGANISATION

This matter was not discussed separately, but dealt with within the broader context of the subject matter discussed in SG2.

9. (f) POLITICAL NEUTRALITY OF, AND FAIR ACCESS TO THE STATE-CONTROLLED/STATUTORILY INSTITUTED MEDIA (PARTICULARLY THE SABC AND SATV) INCLUDING THOSE OF THE TBVC STATES

9.1 INDEPENDENT BODY TO REGULATE TELECOMMUNICATIONS SECTOR:

9.1.1 ESTABLISHMENT

It was agreed that an independent, neutral body be established to regulate the telecommunications sector, such body to be created in terms of an Act of Parliament.

9.1.2 FUNCTIONS

It was agreed that such an Independent Body would have as its principal functions:

9.1.2.1 The regulation of the utilisation of the electromagnetic spectrum, including the allocation of licences and the determination of licence conditions according to an agreed set of standards.

9.1.2.2 The appointment of a suitable structure to monitor the proper exercise of licence conditions.

9.1.3 POWERS

9.1.3.1 It was agreed that the powers of the Post Master General in relation to telecommunications shall be transferred to the Independent Body.

9.1.3.2 It was further agreed that the Independent Body would have to following powers:

9.1.3.2.1 To ensure that a wide range of telecommunication services, including regional and community broadcasting program services, is available throughout South Africa.

9.1.3.2.2 To ensure fair and effective competition in the provision of such and related services.

9.1.3.2.3 To ensure fair and equitable opportunity to opinion formers to express their views freely.

9.1.3.2.4 To ensure optimum affordable research and development with a view to improving the

utilisation of the available electromagnetic spectrum and to introduce technologies to improve signal quality.

9.1.3.2.5 To ensure impartial control of all broadcasting by laying down norms and standards for more equitable and fair access for all political parties to air time on broadcasting services.

9.1.3.2.6 To work out guidelines for the impartiality of news and current affairs programmes on all broadcasting services.

9.1.3.2.7 To take punitive measures against broadcasters who violate provision of the code of conduct, or to suspend or withdraw licences if licence conditions are not complied with.

9.1.3.2.8 To deal with complaints by the public and political parties.

9.1.3.2.9 Such other powers as may be expedient.

9.1.4 NAME OF INDEPENDENT BODY

It was agreed that such Independent Body should be called either SAITA (South African Independent Telecommunications Authority) or SAITCOM (South African Independent Telecommunications Commission) but there has no consensus on which of the two names is the most desirable.

9.1.5 CONSTITUTION OF INDEPENDENT BODY

It was agreed that:

9.1.5.1 Members of the Independent Body shall be South African Citizens of merit who act in the public interest.

9.1.5.2 No board member shall be an office bearer of any political organisation or have a vested interest in the film and broadcasting industries, or any other conflicting interest.

9.1.6 APPOINTMENT PROCEDURES

It was agreed that organs of civil society shall be invited, inter alia, by advertisement in the press to nominate names to either CODESA or the interim structure, whichever is appropriate at the time, bearing in mind the urgency of the

matter, for purposes of preparing a short list of names from which the Board of the Independent Body can be appointed.

9.1.7 ACCOUNTABILITY AND FINANCE

9.1.7.1 It was agreed that the Independent Body shall be accountable to the executive of the interim constitutional authority, provided that once a representative Parliament comes into being such a body shall be accountable to Parliament or one of its standing committees; further provided that the independence of such a body shall not be impinged upon in any way whatsoever.

9.1.7.2 The extent of the Independent Body's accountability shall be dependent upon the method of financing such a body. In this regard various methods are possible and should be considered.

9.1.8 LICENSING PROCEDURES, CONDITIONS AND STANDARDS

It was agreed that the above matters should devolve upon the Independent Body.

9.1.9 SABC

There was no consensus on a proposal regarding the immediate reconstitution of the Board of the SABC.

It was however agreed that, since WG1 had reached consensus that an Independent Body to regulate the telecommunications sector be created at the earliest opportunity:

9.1.9.1 The Steering Committee of WG1 will initiate discussions with the chairperson of the Board of the SABC, and such representatives as he may determine, on the possible early reconstitution of the Board of the SABC, the appropriate ministry to be included in such discussion;

9.1.9.2 The first such meeting to take place before CODESA 2;

9.1.9.3 The mechanism for monitoring the performance of the SABC be considered to at the same discussions.

9.1.10 COMPLAINTS/DISPUTES AND MONITORING

It was agreed that the Independent Body shall, with Parliamentary sanction by way of legislation, set up structures as may be necessary, inter alia for:

9.1.10.1 adjudicating disputes;

9.1.10.2 monitoring the efficiency of the licensee and so ascertain whether licensees comply with their licensee conditions;

9.1.10.3 investigating complaints and for giving effect to remedial actions

9.1.11 CODE OF CONDUCT

9.1.11.1 It was agreed that the Independent Body shall lay down the standards to be complied with by licensed broadcasters (such standards could be included in a Code).

9.1.11.2 Individual Broadcasters shall compile a Code of Conduct to which they will have to comply and which could be made a condition of their licenses.

9.1.12 The following issues were raised but discussions have not been completed:

9.1.12.1 affirmative action

9.1.12.2 cross-ownership restrictions

9.2 PRINTED MEDIA

The SA Government agreed to repeal Section 4 (a) and (b) of the Registration of Newspapers Amendment Act of 1982 which relate to Ministerial powers to cancel the registration of a newspaper. The repeal of these sections will be dealt with in a General Law Amendment Bill.

10. (g) THE SUCCESSFUL IMPLEMENTATION OF THE NATIONAL PEACE ACCORD

In the light of the current levels of violence that is devastating the prospects of peace and stability in our country, all political parties, organisations, government and administrations, participating in CODESA, in order to signify our

common purpose to bring an end to political violence, recommit ourselves both in letter and spirit to the NPA.

Signed : 14 September 1991.

In doing so, we once again join hands in the pursuit of our common belief and objectives; peace and stability for all in our country.

In rallying behind this common objective we acknowledge that the act of having signed the NPA bind us much more than the content of the NPA itself. From that we can, none of us, escape since we have committed ourselves to the NPA and in this way, we have given it life and meaning.

SG2 received several submissions on the implementation of the NPA. In addition, Dr Antonie Gildenhuys, chairperson of the National Peace Secretariat, and Mr John Hall, chairperson of the NPC, were invited to hold discussions with SG2 on the implementation of the NPA. In order to strengthen the NPA, the following matters were agreed to:

10.1 GENERAL

It was agreed that:

10.1.1 In so far as the promotion of peace is concerned, the leadership of organisations is urged urgently to come together at peace rallies and meetings and to be seen by all to be jointly and collectively working towards peace and stability in our country. These peace rallies and meetings should be held under the auspices of the NPS and should augment the efforts of religious leaders in this regard.

10.1.2 The successful implementation of the NPA is fundamental to the creation of a climate for free political activity, peace and stability in our country. In this regard, it is strongly recommend to the signatories of the NPA to take active steps to ensure that they appoint senior office bearer(s) whose specific responsibility it will be to manage the organisation/party's duties in regard to the NPA. It is further recommended that, where possible, such persons be relieved of all other organisational/party obligations to facilitate the above.

10.2 RDRC'S AND LDRC'S (CLAUSE 7.4 OF THE NPA)

It was agreed that:

10.2.1 A full time Chairperson/officer/employee/s be appointed by consensus by each RDRC on the understanding that at least one such functionary will be appointed and that the said functionary will be remunerated for his/her services by the NPA;

10.2.2 Delegates to RDRC's and LDRC's who suffer financially as a result of their participation in NPA activities be reimbursed;

10.2.3 Organisations participating in the NPA activities be requested not to vary the appointment of delegates to RDRC's and LDRC's as this seriously inhibits the progress of the work of the NPA;

10.2.4 Permanent offices with appropriate staff and equipment be established in each area provided for in clause 3.7.5 of the NPA;

10.2.5 The NPS should seek to facilitate the participation of delegates on NPA structures, having special regard for the normal work commitments of delegates;

10.2.6 The reference to Business representatives in clause 7.4.4.3 of the NPA be interpreted to include representatives from professional organisations.

10.3 JUSTICE OF THE PEACE (CLAUSE 7.5 OF THE NPA)

It was agreed that:

10.3.1 In view of the current preparation of legislation to implement clause 7.5 of the NPA, it be recommended that the legislation be put before parliament during its current session.

10.3.2 All signatories to the NPA be urged to ensure that the process of consultation required by clause 7.5.1 of the NPA to precede the appointment of Justices of the Peace, proceed, expeditiously in anticipation of legislation being passed to provide for matters pertaining to the appointment, powers, etc of the Justices of the Peace.

10.4 POLICE REPORTING OFFICERS (CLAUSE 3.2.4 OF THE NPA)

It was agreed that:

10.4.1 All police reporting officers already nominated be appointed to their positions forthwith.

10.4.2 In the appointment of members of the special investigation unit appointed in terms of clause 3.2.4.1 of the NPA, sensitivity regarding the acceptability and credibility of members of the SAP be taken into account.

10.5 THE INCLUSION OF REPRESENTATIVES OF TRIBAL AUTHORITIES IN THE RDRC's (CLAUSE 7.4.4.4. OF THE NPA)

It was agreed that:

10.5.1 The NPC makes special efforts to include representatives of relevant local and tribal authorities into all RDRC and LDRC structures.

10.5.2 Special efforts be made to create an awareness of the NPA amongst tribal and local authorities.

10.6 MEASURES TO FACILITATE SOCIO-ECONOMIC RECONSTRUCTION AND DEVELOPMENT (CLAUSE 5.7 OF THE NPA)

It was agreed that:

10.6.1 It should be recommended to the NPA and the RDRC's that they appoint Sub-Committees on socio-economic reconstruction and development as a matter of urgency;

10.6.2 Members of such Sub-Committees appointed i.t.o clause 5.7 of the NPA should not only consist of members of the relevant RDRC, but should primarily consist of people with knowledge and expertise in the relevant fields.

10.7 THE POLICE BOARD (CLAUSE 3.3 OF THE NPA)

10.7.1 It was agreed that the Police Board, in addition to their other functions and duties:

10.7.1.1 should advise on ways in which the procedures of the special units appointed in terms of 3.2.4.1 can be given public credibility;

10.7.1.2 should advise on ways in which the credibility of the police in the community could be improved;

10.7.2 It was further agreed that the reports by the special police investigative units appointed i.t.o. clause 3.2.2.6 which are made available to the NPC, be distributed to the relevant RDRC's and LDRC's as a matter of standard procedure.

10.8 RELATIONS BETWEEN THE COMMUNITY AND THE POLICE

10.8.1 It was agreed that in many areas improvement of the relationship between the community and the police can contribute towards the resolution of conflict and that all factors that create alienation between the police and communities be addressed urgently by means of, inter alia:

10.8.1.1 Facilitating police/community liaison, including workshops between relevant parties;

10.8.1.2 Ensuring strict adherence by all parties to the provisions of the NPA.

10.8.2 It was recommended to the NPC that they take active steps to achieve greater support for the police and co-operation by communities in effective policing.

10.9 RECOMMENDATIONS BY RDRC'S TO THE POLICE

In relation to the SAP, the Venda Police Force, the Kangwane Police Force, the Gazankulu Police Force, the Kwandebele Police Force and the Lebowa Police Force, it was agreed that the RDRC's could make recommendations to the relevant police authorities as to:

10.9.1 The selection of top police officers for township stations;

10.9.2 The appointment of officers commanding and members of special police investigation units established in terms of clause 3.2.2.6;

10.9.3 Where circumstances permit, determining the nature of police action in conflict areas, i.e. the nature of security force action, the duration of their action, the SAP and SADF mix in these actions, the timeous negotiations between the security forces and community leaders to defuse hostility, etc.

10.10 SELF PROTECTION UNITS/NEIGHBOURHOOD WATCH GROUPS CLAUSE 3.7 OF THE NPA)

It was agreed that:

10.10.1 It be recommended to the NPC that RDRC/LDRC's take urgent steps to encourage the formation of nonpartisan community based self protection groups/neighbourhood watch groups, as provided for in clause 3.7 of the NPA, in order to promote peace and the effective combatting of crime. These self protection units/neighbourhood watch groups should work in close cooperation with the relevant police authorities, as provided for in clause 3.7.5 of the NPA.

10.10.2 It be recommended to the RDRC'/ LDRC's to take steps to monitor the activities of such formations and to encourage cooperation between such formations and the relevant police authorities.

10.11 IN RELATION TO POINTS 10.7 TO 10.9 THE MEETING ENCOURAGES ALL OTHER POLICE FORCES TO ADOPT A SIMILAR APPROACH

10.12 DANGEROUS WEAPONS AND THE POSSESSION OF ILLEGAL FIRE ARMS

It was agreed that:

10.12.1 Stronger sentences and other measures be imposed for the possession of illegal firearms and the possession, carrying and displaying of dangerous weapons or other firearms in contravention of the regulations issued as provided for in 3.6.4 of the NPA.

10.12.2 The police increase their searches for illegal firearms and other dangerous weapons.

10.12.3 A record be kept of the political affiliation (if any) of persons arrested for the possession of illegal firearms or dangerous weapons.

10.13 MONITORING COMMISSIONS

It was agreed that:

10.13.1 Regional monitoring commissions be created in each RDRC region.

10.13.2 These monitoring commissions be constituted from amongst the parties and organisations represented on these RDRC's and/or drawn from independent, local monitoring agencies or persons.

10.13.3 Persons serving on these monitoring commissions be given the necessary training and certification to enable them to efficiently perform their functions in an impartial and objective manner.

10.13.4 The assistance of professional dispute resolution agencies be used in the training and development of such local/regional monitoring commissions.

10.13.5 The functions of these regional monitoring commissions be:

10.13.5.1 to monitor the compliance by the NPA signatories to the code of conduct as provided for in the Accord;

10.13.5.2 to monitor the behaviour of parties and organisations at grassroots level in relation to violence;

10.13.5.3 to monitor the compliance of parties and organisations to the NPA after it has been brought to their attention that they have been in violation of the Accord.

10.13.6 Political parties and members of RDRC's should refrain from making inflammatory remarks in relations to the causes of violence, and should desist from apportioning blame based on unsubstantiated evidence while matters are under review or investigation by the Commission.

10.14 BUDGET AND INFRASTRUCTURE PROBLEMS

It was agreed that:

10.14.1 CODESA calls on the international community to provide financial and other assistance to facilitate the successful implementation of the NPA.

10.14.2 It be recommended to the National Peace Secretariat that it prepares and submits a budget to government outlining the funding requirements of the peace process, as provided for in a clause 6.12.5 of the NPA.

10.14.3 It be further recommended to the National Peace Secretariat to take active steps to solicit assistance from local sources in order to obtain funding for the NPA. These steps include the holding of peace musical concerts, peace sports events, and other such activities; as well as approaches to the business sector in this regard.

10.15 COMMISSION OF ENQUIRY REGARDING THE PREVENTION OF PUBLIC VIOLENCE AND INTIMIDATION

It was agreed to recommend to the NPS and NPC:

10.15.1 to take active steps to implement and monitor the implementation of the recommendations of the Commission.

10.15.2 to distribute timeously the relevant recommendations of the Commission to the relevant RDRC/LDRC and the political parties in order to ensure that these recommendations are implemented in accordance with the Code of Conduct for political parties as set out in the NPA.

10.16 LEGAL ENFORCEABILITY

It was agreed that it be recommended to the NPC to take active and urgent steps to ensure the legal enforceability of the Code of Conduct for Political Parties as provided for in clause 9.6 of the NPA.

10.17 TRANSGRESSIONS OF THE NPA BY POLITICAL PARTIES

It was agreed that:

10.17.1 The NPC take active steps to ensure that transgressing political parties, on presentation of the Commission's findings to them, respond in writing to the NPC, as provided for in the NPA.

10.17.2 The findings of the Commission be made public in order to bring such parties to account for their transgression of the NPA.

10.18 OUTSTANDING MATTERS FOR DISCUSSION:

10.18.1 Co-ordination between 3 levels of NPA.

10.18.2 Education Programmes/Publicity.

10.18.3 Liaison between NPC and organisations and PC and CODESA.

11. (h) THE PREVENTION OF VIOLENCE-RELATED CRIME AND MATTERS GIVE RISE THERETO

11.1 It was agreed that:

11.1.1 Government security forces should bring those responsible for the smuggling of AK47s and other illegal weapons into the country from the neighbouring states to book as a matter of urgency.

11.1.2 Political parties should adhere to the guidelines as set out in the National Peace Accord in so far as mass action is concerned.

11.1.3 Socio-economic conditions should be improved to curb the high crime rate.

11.2 CONSENSUS COULD NOT BE REACHED ON THE FOLLOWING:

11.2.1 The use of the death penalty as a deterrent to criminal activity.

11.2.2 A call by CODESA for the lifting of sanctions as means of improving socio-economic conditions

12. (i) THE COMPOSITION AND ROLE OF THE SECURITY FORCES IN SOUTH AFRICA AND THE TBVC STATES

It was agreed that:

12.1 All participants at CODESA commit themselves to the peaceful settlement of political disputes.

12.2 National security in South Africa should be sought primarily through efforts to meet the social, political and economic needs of the people.

12.3 The security forces in South Africa shall:

12.3.1 be bound by the principle of constitutional supremacy;

12.3.2 be politically non-partisan;

12.3.3 be committed to resolving conflict primarily through non-violent means;

12.3.4 respect human rights, non-racialism and democracy;

12.3.5 strive to be representative of South African society as a whole.

12.4 For the purpose of addressing our terms of reference, the WG is satisfied that all the Security Forces should be placed under the control of interim/transitional governmental structures. In this regard, this WG takes notice of the proposals tabled in WG3 to set up preparatory councils including one or more specifically intended to deal with the Security Forces. The WG supports the said abovementioned principle and agrees that the details of such councils be worked out by WG3.

12.5 Mechanisms should be implemented to ensure the public accountability of the security forces.

12.6 Codes of Conduct for the security forces should be agreed to and implemented.

12.7 A programme of orientation, designed with a view to improving security force community relations, specifically with regard to the respect for human rights, non-racialism and democracy, should be implemented.

12.8 THE FOLLOWING MATTERS ARE OUTSTANDING

12.8.1 The composition of the security forces.

12.8.2 Operations of the Security Forces that may limit free political activity.

13. (i) FUNDING OF POLITICAL PARTIES

It was agreed that the provisions of the prohibition of Foreign Funding of Political Parties Act, 51 of 1968, with regard to the receipt of foreign funds by political parties be suspended until a date 6 (six) months from the date of the general election in terms of the provisions of a negotiated new constitution for South Africa.

14. (k) THE FAIR ACCESS OF PUBLIC FACILITIES AND MEETING VENUES

It was agreed that political parties and

organisations should have fair access to public facilities and venues without discrimination.

15. (l) THE ADVISABILITY OF STATUTORY PROVISIONS GUARANTEEING EQUAL OPPORTUNITY FOR ALL PARTIES TO ESTABLISH AND MAINTAIN THEIR OWN MEANS OF MASS COMMUNICATION

The SG received various submissions on this matter, but was unable to discuss it due to a lack of time.

16. (m) THE NEED FOR AN IMPROVEMENT IN SOCIO-ECONOMIC CONDITIONS

There was agreement on the need for an improvement in socio-economic conditions as an essential part of the reconstruction of societies. However, due to a lack of time, the matter was not further discussed.

17. (n) THE FOSTERING OF A SPIRIT OF TOLERANCE AMONG POLITICAL PARTIES

The SG received various submissions on this issue. It was agreed that a spirit of tolerance needs to be fostered amongst political parties. However, there was no consensus on any further recommendations.

18. (o) THE ROLE OF INTENSIVE AND CONTINUOUS EDUCATIVE AND INFORMATIVE CAMPAIGNS IN RESPECT OF POLITICAL TOLERANCE, THE WORKING OF DEMOCRACY, AND THE PROCESSES OF CODESA

Various submissions dealing with the above matter were received, however, due to a lack of time, the SG was unable to discuss the matter.

19. (p) THE ADVISABILITY OR FAIR AND REASONABLE ACCESS FOR POLITICAL PARTIES TO ALL POTENTIAL VOTERS WHEREVER THEY MAY RESIDE

It was agreed that all political parties and organisations should have the right to have reasonable freedom or access to their members, supporters and other persons in rural and urban areas, wherever they may be housed, on public or private property.

20. (q) OTHER MATTERS WHICH THE WG MAY CONSIDER RELEVANT TO ITS BRIEF

The WG agreed to discuss the issue of Mozambican refugees in South Africa. It was agreed that a joint task force of the SA government, and other involved parties and governments be formed to address the problem of Mozambican refugees, internal refugees and other displaced persons.

21 B ASSIGNMENT II : THE ROLE OF THE INTERNATIONAL COMMUNITY

To investigate, consider and report upon all proposals and make recommendations with regard to the role that the international community and/or organisations could be asked to play in the formal or informal processes involved in the period leading up to the introduction of a new constitution for South Africa.

21.1 It was agreed that a Task Group be set up in relations to the process of elections to invite a neutral independent international body. That a Task Group shall determine:

21.1.1 the terms of invitation;

21.1.2 the scope of responsibility;

21.1.3 all other matters concerning such an undertaking.

21.2 The WG welcomed the initiative of the international community concerning the developments in South Africa. In this regard they considered it helpful that members of the international community acquaint themselves with the circumstance surrounding the violence in our country through fact finding missions with a view to making independent, objective assessments of the facts and realities surrounding the violence.

21.3 The WG recommended that in addition to any other such missions referred to in 21.2, CODESA shall invite an independent international mission.

21.4 Several other proposals were made concerning the possible role of the international community, but lack of time precluded any further discussion on them.

22. THE WAY FORWARD

The WG had insufficient time to discuss and agree on the future handling of matters falling within the ambit of its assignments and terms of reference. However, the following proposals are put forward for consideration by CODESA 2:

22.1 Various agreements reached require implementation by legislation. It is proposed that, in view of the past involvement of the participants with the relevant matters, and the existing expertise, the SC of WG1 be mandated to receive and approve draft legislation from any source, progress made. (SIC)

22.2 It is proposed that a Task Group referred to in 6.1.7.3 above be set up to discuss and make recommendations on:

22.2.1 The implementation of agreed amendments to the Public Safety Act (6.1.6.2);

22.2.2 The substitution of current security legislation (6.1.7.2);

22.2.3 Proposals regarding the amendment/repeal of discriminatory legislation (6.2.2).

22.3 It is proposed that CODESA decides on appropriate mechanisms to implement the agreements reached in 21 above (the role of the international community).

22.4 IT IS PROPOSED THAT A TASK GROUP WITH MEMBERSHIP AS SET OUT IN 6.1.7.3 BE SET UP TO DISCUSS AND MAKE RECOMMENDATIONS ON:

22.4.1 The implementation of agreed amendments to the Public Safety Act 1953, (paragraph 6.1.6.2);

22.4.2 The substitution of current security legislation as referred to in 6.1.7.2 above;

22.4.3 Proposals regarding the amendment/repeal of discriminatory legislation as set out in 6.2.2 above.

UNQUOTE

REPORT TO CODESA 2 FROM WORKING GROUP 2

1. Brief summary of the terms of reference for Working Group 2.

2. How business was conducted.

Working Group met fourteen times in plenary. No sub-groups were established. The work of the Working Group was co-ordinated by an eight person Steering Committee.

3. Agreements reached

3.1 Assignment 1 : General Constitutional Principles

1. South Africa will be a united, democratic, non-racial, non-sexist, sovereign state.

2. The constitution shall be the supreme law.

3. The diversity of languages, cultures and religions will be acknowledged.

4. All will enjoy universally accepted human rights, freedoms and civil liberties including freedom of religion, speech and assembly.

5. There will be separation of powers between the legislature, the executive and the judiciary with appropriate checks and balances.

6. The legislative branch of government will embrace multi-party democracy, regular elections, universal adult suffrage, a common voters roll and in general proportional representation.

7. The judicial branch of government will include:

7.1 A judiciary that will be independent, non-racial and impartial.

7.2 An entrenched and justiciable Bill/Charter of Fundamental Rights.

7.3 A legal system that guarantees the equality of all before the law.

8. All will be entitled to enjoy common South African citizenship.

9. Government shall be structured at national, regional and local levels.

9.2 At each level there shall be democratic representation.

9.3 Each level of government shall have appropriate and adequate legislative and executive powers, duties and functions that would enable each level to function effectively; such powers, duties and functions to be entrenched in the constitution.

9.4 In addition to the powers, duties and functions entrenched in the constitution, each level of government may delegate powers, duties and functions to the lower level of government.

9.5 The general principles of the constitution, including the terms of the Bill/Charter of Fundamental Rights shall apply to each level of government.

10. A new constitution shall provide for effective participation of minority political parties consistent with democracy.

3.2 Assignment 2 : Constitution Making Body

1. Basic approach : Constitution making within the framework of a Transitional/Interim Constitution.

1.1 CODESA shall agree to and draft a transitional/ interim constitution. This constitution shall be submitted to parliament for legislation within two months of this agreement and all parties within CODESA in parliament commit themselves to supporting such legislation.

1.2 The transitional/interim constitution shall make provision for the constitution making process through which, and the constitution making body by whom, a final constitution shall be drafted and adopted. There will therefore be three phases:

1.2.1 Phase 1 : The present CODESA phase;

1.2.2 Phase 2 : The transitional/ interim constitution drafted by CODESA and legislated by the present Parliament;

1.2.3 Phase 3 : A final constitution drafted and adopted in terms of the provisions of the transitional/interim constitution.

1.3 The transitional/interim constitution and the final constitution will each contain the necessary transitional provisions to ensure that there is no legal, administrative or constitutional hiatus between the three phases.

2. The process of drafting a Transitional/Interim constitution : The role of CODESA

2.1 CODESA may agree to set up for the purpose of drafting an interim/transitional constitution such committees or commissions as it may deem fit.

2.2 CODESA shall consult governments of the self governing states and may also consult other interested parties.

3. The content of the Transitional/Interim Constitution

The transitional/interim constitution shall make provision, inter alia, for the following:

3.1 A Legislature

The legislative authority shall vest in a democratically elected interim/transitional parliament consisting of a National Assembly and a Senate functioning in terms of the special majorities and general constitutional principles agreed upon.

3.1.1 The structure and role of the Senate must still be agreed upon.

3.1.2 The National Assembly shall be elected on the basis of proportional representation and universal adult suffrage, half the seats being allocated through national lists and half through regional lists in order to ensure proper representation of regions.

3.2 Provisions regarding the drafting and adoption of a final Constitution

3.2.1 The final constitution for South Africa shall be drafted and adopted by the National Assembly in terms of the procedures set out in the following paragraphs.

3.2.2 Subject to the provisions of paragraph 3.2.3 every clause in the final constitution shall be adopted by a majority of (66.7%, 70% or 75%) in the National Assembly.

3.2.3 Provisions for the final constitution affecting regional government as set out in paragraph 3.6 and the distribution of power between central, regional and local levels of government shall, in addition to the general special majorities referred to in paragraph 3.2.2 also require a special majority of the regional representatives in the National Assembly such special majority to be agreed upon by CODESA.

3.3 An Executive

3.3.1 Executive authority shall vest in a multiparty executive in accordance with the principle of an interim/transitional government of national unity.

3.4 The separation of powers

There shall be a separation of powers between the executive, legislature and judiciary according to the principles underlying a constitutional state.

3.5 Fundamental Rights

CODESA shall agree on justiciable fundamental rights which shall form part of and shall be entrenched in the transitional/interim constitution.

3.6 Regional Government

3.6.1 CODESA shall agree on the boundaries, powers, duties and functions of regional governments.

3.6.2 Provision shall be made for regional government and/or the phasing in of such government with the boundaries, powers, duties and functions as referred to in paragraph 3.6.1.

3.6.3 The transitional/interim constitution shall entrench regional government and its boundaries, powers, duties and functions in the transitional phase and the transitional/interim constitution shall in this regard not be amended without the agreement of all the parties in the National Assembly until the adoption of a new constitution in terms of the procedures set out in 3.2.

3.7 Provisions regarding amendments to the transitional/ interim constitution.

Amendments shall only be of force and effect if:

3.7.1 They do not contradict the set of constitutional principles referred to in paragraph 3.8.1.

3.7.2 They have been adopted according to the procedures set out in paragraph 3.2.

3.8 Provisions regarding a set of constitutional principles

3.8.1 CODESA shall agree on a set of general constitutional principles to be enshrined in the final constitution and which shall not be contradicted by any provision of the final constitution.

3.8.2 The transitional/interim constitution shall contain an entrenched provision prescribing that the final constitution shall give effect to paragraph 3.8.1 and shall establish an independent mechanism which will be the only body to determine that the general constitutional principles have been enshrined and not contradicted in the final constitution; which determination may only be initiated by a party in the NA.

4. Special Mechanisms

CODESA shall agree on special mechanisms to ensure that the national assembly completes the work of drafting and adopting the final constitution within a specified period of time. The transitional/interim constitution shall remain in force until replaced by the final constitution.

5. OUTSTANDING ISSUES

PROPOSAL BY THE SOUTH AFRICAN GOVERNMENT ON PARAGRAPH 3.2 OF THE DRAFT DOCUMENT : PROPOSAL TO CODESA 2 PARAGRAPH 3.2

3.2 Provisions regarding the drafting and adoption of a final Constitution

3.2.1 The final constitution for South Africa shall be drawn up by the National Assembly which must adopt the constitution as a whole with a majority of 66.7%

3.2.2 Every clause in the constitution shall separately be adopted by a majority of 66.7%, subject to the following qualifications:

a. A Charter/Bill of Fundamental Rights and provisions dealing with the implementation of the general

constitutional principles which have been agreed to by CODESA (in terms of paragraph 3.8) as principles which should be enshrined in the final constitution and not be contradicted by any provision of the constitution, shall require a majority of 75%;

b. provisions affecting regional government and the distribution of power between central, regional and local levels of government shall in addition require a special majority of the regional representatives in the National Assembly, such special majority to be agreed upon.

3.2.3 The constitution as drawn up and adopted by the National Assembly in terms of paragraphs 3.2.1 and 3.2.2 shall be submitted as a whole to the senate for adoption by a majority of 66,7%

SOUTH AFRICAN GOVERNMENT PROPOSAL FOR REPORT OF WORKING GROUP 2 TO CODESA 2

1. Basic approach: Constitution making within the framework of a Transitional/Interim Constitution

1.1 Codesa shall agree to and draft a transitional/ interim constitution. This constitution shall be submitted to parliament for legislation.

1.2 The transitional/interim constitution shall make provision for the basic elements of a democratic constitution as well as for the constitution making process through which and the constitution making body by whom a final constitution shall be drafted and adopted. Constitutionally there will therefore be three phases:

(i) The present constitution as set out in the Republic of South Africa ACT 1983 and other constitutional legislation pertaining inter alia to the self-governing territories and TBVC States;

(ii) The transitional/interim constitution drafted by Codesa and legislated by the present Parliament;

(iii) A final constitution drafted and adopted in terms of the provision of the transitional/interim constitution.

1.3 The transitional/interim constitution and the final constitution will each contain the necessary transitional provisions to ensure that there is no legal, administrative or constitutional hiatus between the three phases and may therefore include provisions regarding the phasing in of the one and phasing out of the other.

2. The process of drafting a transitional/interim constitution: the role of Codesa

2.1 Codesa may agree to set up for the purpose of drafting a transitional constitution such committees of commissions as it may deem fit.

2.2 Codesa shall consult governments of the self governing states and may also consult other interested parties.

3. The content of the Transitional/Interim Constitution
The transitional/interim constitution shall make provision, inter alia, for the following:

3.1 A Legislature

The legislative authority shall vest in a democratically elected interim/transitional parliament consisting of a National Assembly and a Senate functioning in terms of the special majorities and general constitutional principles agreed upon.

3.1.1 The structure and role if the Senate must still be agreed upon.

3.1.2 The National Assembly shall be elected on the basis of proportional representation and universal adult suffrage according to a system that will ensure proper representation of regions and regionally based parties.

3.2 Provisions regarding the drafting and adoption of a final Constitution

3.2.1 The final constitution for South Africa shall be drawn up by the National Assembly in terms of the procedures set out in the following paragraphs:

3.2.2 Subject to the provisions of paragraph 3.2.3 every clause in the final constitution shall be adopted by a majority of 75% in the National Assembly.

3.2.3 Provisions in the final constitution affecting regional government as set out in paragraph 3.6 and the distribution of power between central regional and local levels of government shall in addition to general special majorities referred to in paragraph 3.2.2 also require a special majority of the regional representatives in the National Assembly such special majority to be agreed upon by Codesa.

3.2.4 The final constitution shall be adopted at a joint session of the two Houses of Parliament.

3.3 An Executive

3.3.1 Executive authority shall vest in a multiparty transitional/interim executive in accordance with the principle of a government of national unity.

3.3.2 The composition functions and procedures of the transitional/interim executive must still be agreed upon by Codesa.

3.4 The separation of powers

There shall be a separation of powers between the executive, legislature and judiciary according to the principles underlying a constitutional state.

3.5 Fundamental Rights

Codesa shall agree on a justiciable Charter of Fundamental Rights which shall form part of a shall be entrenched in the transitional/interim constitution.

3.6 Regional Government

3.6.1 Codesa shall agree on the boundaries, powers, duties and functions of regional governments.

3.6.2 Provision shall be made for regional government and/or the phasing in of such government with the boundaries, powers, duties and functions as referred to in paragraph 3.6.1.

3.6.3 The transitional/Interim constitution shall entrench regional government and its boundaries, powers, duties and functions in the transitional phase and the transitional/interim constitution shall in this regard not be amended without the agreement of all the parties in the National Assembly.

3.7 Provisions regarding amendments to the transitional/ interim constitution

3.7.1 No amendment shall be of any force and effect if it is contradictory to the set of constitutional principles set out in paragraph 3.8.1.

3.7.2 Save as is stated in paragraph 3.6.3 any amendment to the transitional/interim constitution will require a special majority of 75% in the National Assembly.

3.8 Provisions regarding a set of constitutional principles

3.8.1 Codesa shall agree on a set of general constitutional principles to be enshrined in the final constitution and which shall not be contradicted by any provision of the final constitution.

3.8.2 The transitional/interim constitution shall contain an entrenched provision prescribing that the final constitution shall give effect to paragraph 3.8.1 and

shall establish an independent mechanism which will be the only body to determine that the general constitutional principles have been enshrined and not contradicted in the final constitution, which determination may only be initiated by a party in the National Assembly.

4. Special mechanisms

4.1 Codesa shall agree upon special mechanisms to ensure that the National Assembly completes the work of drafting and adopting the final constitution within a specified period of time. The transitional/interim constitution shall remain in force until replaced by the final constitution.

REPORT OF WORKING GROUP 3 TO CODESA 2

QUOTE

ASSIGNMENT

1. The assignment given to the Working Group was to consider the issue of interim government/ transitional arrangements/transitional authority.

TERMS OF REFERENCE

2. To investigate, canvass all possibilities and their application and report upon all proposals and make recommendations with regard to the manner in which the country may be governed and managed until the introduction of a new constitution.

3. To identify key issues, processes and problems that need to be addressed.

4. To identify areas of commonality and aspects where agreement already exists between participating delegations.

MODUS OPERANDI OF WORKING GROUP 3

5. The Working Group conducted its work according to the following agenda :

5.1 Method of bringing into being of Interim Arrangements.

5.2 Purposes, Objectives and Time Frames of Interim Arrangements with respect to the period leading up to an election.

5.3 The Executive with respect to the period leading up to an election :

5.3.1 Structure;

5.3.2 Functions.

5.4 The Legislature with respect to the period leading up to an election:

5.4.1 Structure;

5.4.2 Functions.

5.5 Position of present RSA constitution with respect to the period leading up to an election.

5.6 Position of the TBVC and Self Governing States with respect to the period leading up to an election.

5.7 Role of the International Community with respect to the period leading up to an election.

6. The Working Group invited all participating organisations to submit proposals regarding the Working Group's brief. All such proposals were duly considered by the Working Group during its deliberations.

7. Submissions received from outside parties relating to the Terms of Reference of the Working Group were also duly considered.

8. To take forward its exploratory discussion the Working Group appointed a Technical Committee, charged with addressing both details of consensus areas emerging and other areas needing discussion. The reports of the Technical Committee formed the basis of the agreements ultimately reached in the Working Group.

INTRODUCTION TO AGREEMENTS REACHED

9. As will appear from the agreements set out below, the Working Group was of the opinion that the transition to democracy involves two preliminary stages. The first stage is one during which preparations will be made for the holding of free and fair elections for an elected parliament under an interim constitution with the power to draft in terms of agreed procedures a new constitution and to act as an interim legislature. This stage covers the whole of the period up to and including the holding of the elections. The second stage covers the period from the holding of the elections to the adoption of a new democratic constitution and the installation of a new government in accordance with the provisions of such constitution.

10. During the first stage there is need for a multi-party transitional executive structure to function in conjunction with existing legislative and executive structures, subject to the possible consolidation of the tricameral parliament and

the general/own affairs departments. The purpose of the transitional executive structure will be to prepare for and to facilitate the transition to a democratic constitution to which Codesa is committed and in particular, the achievement of a level playing field and a climate favourable to free political participation and the holding of free and fair elections.

11. Legislation, including an amended or transitional constitution is necessary to make provision for appropriate structures of government which will meet the needs of both stages.

12. The following agreements were reached in regard to the first stage of the transition. These agreements and their implementation are dependent upon agreement being reached by Codesa in respect of the second stage of the transition, including an interim constitution, and general constitutional principles.

BASIC POINTS OF DEPARTURE

13. There is a need for a level playing field and a climate favourable to free and fair elections and free political participation. From this flows the requirement for statutory structures to prepare for the institution of the elected parliament under an interim constitution, and for these structures to focus on meeting these needs. In this regard particular areas of concern should be identified and there should be councils for the identified areas. Thereafter the tasks of each council should be described as well as the executive powers that it would require in regard to such tasks. It would also be possible for the councils to proposes legislation. Since the councils must always act within the law, enabling legislation will be required.

14. It is possible that action may take place or legislation be considered outside the councils' defined areas of concern, which may have a negative impact on such areas. Councils should be able to identify these and within their powers require that such actions should not take place or legislation not be proceeded with.

15. There should be an overarching council. One of its tasks will be to familiarise itself with events and developments on the broader political

scene in government and elsewhere. It will be able to intervene within its terms of reference if something is happening elsewhere that may negatively affect the levelling of the political playing field or the ensuring of a climate favourable to free political participation.

16. The terms of reference of the overarching body should be the facilitation of the transition to democracy including the levelling of the playing field and the ensuring of a climate for free political participation and for the conducting of free and fair elections, while the individual councils should have the same terms of reference but in specific fields. The powers, duties and functions vested in the transitional executive structure must be exercised in a manner that does not prejudge constitutional options.

THE TRANSITIONAL EXECUTIVE STRUCTURE

17. A transitional executive structure will be constituted by legislation agreed to by CODESA. It will have a multi-party character and will be vested with the effective executive powers sufficient to fulfil its terms of reference. The structure will include an overaching council, herein referred to as the TEC (Transitional Executive Council).

18. The TEC will have Sub-Councils which will be given specific responsibilities in relation to areas of particular concern during stage one of the transition.

POWERS OF THE TEC

19. The TEC will be vested by legislation agreed to by Codesa with powers necessary to enable it to carry out its functions.

20. The TEC will have access to all information (including records of governments and other participants in the TEC) which may be required by it for the purpose of exercising its functions.

21. The Sub-Councils will report to the TEC and their decisions will be subject to confirmation/ amendment by the TEC.

22. The TEC will be able to delegate powers to the Sub-Councils.

23. The TEC will be able to initiate or participate in negotiations in relation to issues which arise outside the defined areas of responsibilities of its Sub-Councils, if it is of the opinion that such issues could have an impact on the levelling of the playing fields of the creation and maintenance of a climate in which free and fair elections can be conducted.

24. The TEC will be kept informed of and will be able to ask for and be entitled to receive information in regard to proposed legislation including bills, proclamations and regulations, and of executive actions and contemplated executive actions of all participating governments/ administrations that may impact on the levelling of the political playing field and on free political participation.

25. The TEC will be kept informed of and will be able to ask for and be entitled to received information in regard to actions and contemplated actions on the part of participating political parties/organisations that may impact on the levelling of the political playing field and on free political participation.

26. If, when considering a proposed bill, proclamation, regulation or action, the TEC has reason to believe that it will have an adverse impact upon the maintenance of a climate for free political participation and in which free and fair elections can be conducted, or will disturb attempts to level the political playing field, it may in pursuit of its objectives, taking into account its necessity, require the government, administration or party not to proceed with it.

27. If the government, administration or party concerned is of the opinion that the necessity of the bill, proclamation, regulation or action in its area of application outweighs its adverse impact referred to in paragraph 26, the matter may be referred to the independent election commission.

28. In the defined areas of responsibility of Sub-Councils of the TEC, ministerial powers and discretions in so far as they affect the levelling of the playing fields, the creation of a climate conducive to free and fair elections or free political participation will be exercised in

consultation with the TEC, or a Sub-Council to which this function is delegated by the TEC. Any disagreement arising out of the provisions of this paragraph may be referred by any participant in the TEC to the Independent Election Commission.

29. The decisions of the TEC made within its terms of reference and its powers as set out above will be binding on and will be implemented by all participants including governments/administrations.

INDEPENDENT COMMISSIONS

30. INDEPENDENT ELECTION COMMISSION

30.1 There shall be an Independent Election Commission to be given the responsibility for the holding of free and fair elections. The commission will be independent of the TEC and will consist of respected and suitably qualified persons drawn from a broad cross-section of the population, who will be appointed by the State President on the recommendation of CODESA.

30.2 The composition, powers (which shall include the power to resolve disputed as contemplated in paragraphs 27,28 and 33 hereof) and functions of the Commission shall be enacted in legislation to be agreed to by CODESA.

31. INDEPENDENT MEDIA COMMISSION: There will also be a Commission/Authority concerned with the media which will be instituted in accordance with recommendations made by Working Group 1. The composition, powers and functions of the Commission will be enacted in legislation to be agreed to by CODESA.

SUB-COUNCILS AND THEIR AREAS OF RESPONSIBILITY

32. Provision will be made in the empowering legislation to be approved by CODESA for the appointment of the following Sub-Councils. In this section 'regional governments' will be considered to include provincial administrations, self-governing and TBVC states which have elected to cooperate and work within the transitional executive structure.

32.1 REGIONAL AND LOCAL GOVERNMENT

This Sub-Council will acquaint itself with developments in regional and local government; it will identify and take action in respect of aspects of regional and local government that may impact on the levelling of the political playing fields and on a climate conducive to free political participation; and it will facilitate the process towards a democratic dispensation at regional and local levels.

32.2 FINANCE

This Sub-Council will acquaint itself with developments in government finance on all governmental levels (including all existing governmental authorities, be they on the central, regional or local government level), to identify and take actions in respect of aspects in that field that may impact on the levelling of the political playing field and on free political participation, and to facilitate this process towards a democratic dispensation addressing the field of governmental financing including intergovernmental financing. In particular, one of the prime purposes of this Sub-Council shall be to monitor and/or frustrate any attempt by any governmental body to favour one or other political party or organisation.

32.3 LAW AND ORDER, STABILITY AND SECURITY

This Sub-Council will acquaint itself with developments in law and order, stability and security at all levels of government (central, regional or local) and concerning all other participant in the TEC; it will take steps to identify and to promote all developments in this field which in its opinion may impact favourable upon the levelling of the playing fields and free political participation and the creation as far as possible of a climate of peace and stability; it will take steps to identify and to prevent within its powers all developments in this field which in its opinion will impact adversely upon peace and stability, the levelling of the playing fields, free political participation or the transition to democracy. The functions of this Sub-Council will depend upon decisions taken in Working Group 1.

32.4 DEFENCE

This Sub-Council will acquaint itself with developments concerning defence and military formations at all levels of government (central, regional or local) and including all other participants in the TEC; it will take steps to identify and promote all developments in this field which in its opinion may impact favourably upon the levelling of the playing fields and free political participation, and the creations as far as possible of a climate of peace and stability; it will take steps to identify and to prevent within its powers all developments in this field which in its opinion will impact adversely upon peace and stability, the levelling of the playing fields, free political participation or the transition to democracy. The function of this Sub-Council will also depend upon decisions taken in Working Group 1.

32.5 FOREIGN AFFAIRS

Due to the unique character of this Sub-Council there is need for broader discussions concerning it.

32.6 ELECTIONS

There may be a need for an election Sub-Council to provide services and information to the Independent Election Commission. The TEC will decide whether or not there is a need for such a Sub-Council. The appointment of such a Sub-Council will not interfere in any way with the independence or powers of the Independent Election Commission.

33. In the event of any dispute arising as to whether any specific matter of sphere of action falls within the ambit of any of the above objectives, definitions and/or concepts, such dispute may be referred by any participant in the TEC or Sub-Council, as the case may be, to the Independent Election Commission.

POWERS OF SUB-COUNCILS

34. The legislation agreed to by CODESA will make provision for the Sub-Councils to be given all powers necessary to enable them to carry out

their tasks effectively within their terms of reference.

35. Such legislation will include a provision empowering Sub-Councils to have access to all information (including records of governments/ administrations and other participants in the TEC) which they may require for the purpose of carrying out their tasks within their terms of reference.

COMPOSITION OF THE TEC AND SUB-COUNCILS

36. The TEC will be appointed by the State President on the recommendation of CODESA. It will consist of at least one member form each of the governments/administrations who commit themselves to comply with and implement the decisions of the TEC and at least one member from each of the political organisations participating in CODESA, provided that such organisations also commit themselves to comply with and implement the decisions of the TEC. Should parties not presently in CODESA wish to participate in the Transitional Executive Structure, the TEC will have the power to recommend at its discretion that the TEC be enlarged to accommodate them, provided that they commit themselves to comply with and implement the decisions of the TEC, and in that event, the State President will make the necessary appointment. The removal and replacement of members of the TEC, and the temporary appointment of a person as a substitute for a member who is absent or unable to perform his or her duties, will be made by the State President on the recommendation of the TEC.

37. A Sub-Council will have a multi-party character and will be formally appointed by the State President on the recommendation of the TEC. There may be special circumstances in which more than six members will be necessary for the proper functioning of a Sub-Council and the enabling legislation will make provision for this. The removal and replacement of members of a Sub-Council, and the temporary appointment of a person as a substitute for a member who is absent or unable to perform his or her duties will be made by the State President on the recommendation of the TEC.

38. Members of the TEC and its Sub-Councils will be full-time executives, will be provided with the infrastructure necessary to enable them to carry out their duties, and their conditions of service will be prescribed in the legislation under which they are constituted.

39. Members of the TEC may serve on one or more of the Sub-Councils, or may be given special responsibility by the TEC for matters outside the defined areas of responsibility of the Sub-Councils, within terms of reference.

40. The size of the Transitional Executive Structure will be kept as small as is reasonably possible.

MEETINGS OF THE TEC AND ITS SUB-COUNCILS

41. All members of Sub-Councils, and Ministers of governments/administrations participating in the TEC whose departments may be affected by the functioning of the TEC and its Sub-Councils, may attend meetings of the TEC by invitation and speak on matters affecting their Sub-Councils or departments, and should attend when matters relating to their Sub-Councils or departments are being discussed.

42. All Ministers of governments/administrations participating in the TEC whose departments may be affected by the functioning of a Sub-Council, and who are not members of the Sub-Council concerned, may attend meetings of the Sub-Council and speak on matters affecting the functioning of their departments, and should attend by invitation if a matter affecting the functioning of their departments is being considered.

HOW DECISIONS WILL BE MADE

43. The TEC and the Sub-Councils will endeavour to take their decisions by consensus. Where consensus cannot be achieved, a majority of at least eighty per cent will be sufficient for a decision of the TEC, provided that if any government, administration or party is of the opinion that the necessity of the minority opinion prevailing outweighs the adverse impact referred to Paragraph 26, the matter may be referred for adjudication as contemplated in Paragraphs 27, 28 and 33.

STATES OF EMERGENCY

44. This issue will depend on decisions taken in Working Group 1.

IMPLEMENTATION AND TIME FRAMES

45. Subject to Paragraph 12 and agreement by CODESA to the provisions of this report, CODESA should ask its Management Committee (MC) to ensure that all outstanding matters required for implementation are resolved within agreed time frames. Once this is completed to its satisfaction, the MC is delegated the authority to activate and implement the agreements of this report.

OUTSTANDING MATTERS

46. Matters requiring further discussion are as follows :

46.1 Composition of the TEC

46.2 Composition of the Sub-Councils

46.3 Compositions, powers and functions of the Independent Election Commission

46.4 Sub-Council on foreign affairs

47. Legislation is required to give effect to the agreements contained herein.

CONCLUSION

48. In view of the fact that this report covers the first stage of the transition, further discussion is required concerning the details of stage two (as envisaged in paragraph 12).

UNQUOTE

REPORT OF WORKING GROUP 4 TO CODESA 2 REGARDING THE FUTURE OF THE TBVC STATES

QUOTE

2. EXPLANATION OF THE WAY WORKING GROUP 4 CONDUCTED ITS BUSINESS

2.1 Working Group 4 created four Sub-Groups to look at the following issues:

2.1.1 Sub-group 1 - testing the will of the people

2.1.2 Sub-group 2 - citizenship

2.1.3 Sub-group 3 - practical, financial and administrative implication of re-incorporation

2.1.4 Sub-group 4 - constitutional, legal and political implications of re-incorporation

2.2 Each delegation was represented in the Sub-groups.

2.3 Working Group 4 determined the terms of reference for each of the sub groups, based on its own Terms of Reference.

2.4 Working Group 4 held 10 meetings.

2.5 Submissions were received from members of the public and organisations.

3. POINTS OF AGREEMENT REACHED

3.1 Working Group 4 reached consensus on the following issues:

3.1.1 RE-INCORPORATION

All delegations have no objection in principle to the re-incorporation of the TBVC states.

3.1.2 TRANSITIONAL ARRANGEMENTS

The TBVC states will participate in transitional arrangements as proposed by Working Group 3, on the understanding that these arrangements shall mutatis mutandis impact on the TBVC governments and territories in the same way as they impact on the South African Government and the RSA.

3.1.3 TESTING THE WILL OF THE PEOPLE

The people of the TBVC states shall take part fully in the processes of constitution-making and transitional arrangements, including elections, as may be proposed by Working Groups 2 and 3. Their participation will be arranged in such a way that their votes in a national election shall signify support for or rejection of re-incorporation. The results of such an election shall constitute a sufficient test of the will of the people.

3.1.4 RESTORATION OF CITIZENSHIP

South African citizenship will be restored to the citizens of all the TBVC states who would have been South African citizens but for the constitutional independence of the TBVC states, immediately after the testing of the will as envisaged in paragraph 3.1.3 above.

3.1.5 RESERVATION

It is recorded that the Bophuthatswana (and Ciskei Government(s) reserve its position in relation to paragraphs 3.1.2, 3.1.3 and 3.1.4. (Ciskei recorded this position at a later stage.)

3.2 Consensus was reached on a number of issues relating to the practical, financial and administrative effects of re-incorporation.

3.2.1 RE-INCORPORATION

Eighteen parties share the view that re-incorporation of the TBVC states into the new South Africa is desirable. However, Bophuthatswana reiterates its preference for non-reincorporation, but states that every option which promises a better future or a future at least as good as its present position will be regarded as a feasible and realistic option for consideration.

The demarcation of functions and responsibilities on the first, second and third levels of government have not yet been clarified. Where reference is made to future government responsibilities, it should be regarded as being in accordance with the constitutional proposals

and interim government arrangements formulated by Working Groups 2 and 3.

3.2.2 RETENTION OF BUSINESS CONFIDENCE AND TAXATION

The parties are unanimous that the process of re-incorporation should be conducted in such a way that it ensures retention of business confidence. Working Group 4 recommends that:

3.2.2.1 Where there is a conflict between RSA legislation and that of the respective TBVC states, temporary exemptions be granted until the new legal system is in place, the details of which will be considered by a committee (see 11 below).

3.2.2.2 The harmonisation of labour legislation throughout South Africa including stipulations on a stable relationship with unions is needed to boost business confidence.

3.2.2.3 Working group 4 is unanimous that there should be harmonisation of the taxation regime. The tax system of the TBVC states should be brought in line with the applicable tax laws in the RSA. This process should apply to all forms of tax structures e.g. company tax, personal tax etc. The question of tax concessions may be considered in relation to regional development issues.

3.2.2.4 A formal statement of intent be issued by Codesa 2, by which businesses are informed of the proposed harmonisation of legislation, specifically tax and labour legislations.

3.2.3 LAND TRANSFERS

Working Group 4 has reached sufficient consensus on this matter that:

3.2.3.1 No further attempts be made to identify new land for transfer to the TBVC governments.

3.2.3.2 Land currently in possession of the South African Development Trust should remain in the hands of the Trust until its dissolution, where after it will be transferred to the SA Government (successor in title).

3.2.3.3 The moratorium should apply to all land in the Schedule to the Borders of Particular States

Extension Act 2 of 1980 which has not yet been excised from South Africa.

3.2.3.4 This moratorium will apply to all TBVC states.

RESERVATION

Bophuthatswana indicates that such a moratorium could be perceived as a negative implication to be considered carefully.

Ciskei states that the moratorium should not apply to the transfer of land to individual communities who have not as yet received the land promised.

The meeting also notes the concern of the SA Government and the National Party about certain legal and contractual obligations which have to be fulfilled as well as land purchased from individual South African citizens which has not yet been transferred.

3.2.4 DISPOSAL/TRANSFER OF ASSETS AND LIABILITIES

The parties share a common view that the assets and liabilities of these states should be transferred to the new government on re-incorporation.

3.2.5 OPTIMAL USE OF EXISTING INFRASTRUCTURE

Working Group 4 reached agreement that due care should be taken in ensuring that existing structures are optimally used during transition and after re-incorporation.

3.2.5.1 It is recommended that all structures and functional operations such as education, health, unemployment insurance etc. should continue functioning during transition, until they are replaced by rationalised structures and operations.

3.2.5.2 Existing financial arrangements and transfers should continue uninterrupted until they are replaced by new arrangements.

3.2.6 REVIEW OF DEVELOPMENT PROJECT PRIORITIES

On re-incorporation, prioritisation of development projects should form part of the

national/regional prioritisation programme. The Development Bank of Southern Africa which has been closely linked with the development projects in these states could provide a useful service in this regard.

3.2.7 GOOD ADMINISTRATION DURING TRANSITION

Efficient and accountable administration should be maintained during transition. The current administration should remain in place until orderly rationalisation takes place as a result of absorption into a nonracial national/regional service. The Subgroup proposes that:

3.2.7.1 Administration be reorganised around existing structures.

3.2.7.2 On re-incorporation, personnel from the TBVC states should be absorbed into the national/regional structure.

3.2.7.3 The TBVC Administration should operate under the supervision of the Interim Government during transition.

RESERVATION

Bophuthatswana reiterates that this is only applicable once a decision in favour of re-incorporation is taken.

3.2.7.4 Certain basic services will have to continue uninterrupted during transition. These are:

3.2.7.4.1 The administration of justice,

3.2.7.4.2 Civil service,

3.2.7.4.3 Parastatals, and

3.2.7.4.4 Security and other public services.

3.2.8 FUTURE OF THE CIVIL SERVICE

Civil servants should retain their existing salaries, benefits, conditions of service, etc. Any adjustment in the conditions of service should be occasioned by a process of rationalisation as a result of absorption into a nonracial national/regional service. It is recommended that:

3.2.8.1 There should be no retrenchment of workers in these administrations as a result of re-incorporation prior to an extensive rationalisation programme in the new South African civil service.

3.2.9 SERVICING AND REPAYMENT OF TBVC DEBTS

The servicing and repayment of the TBVC debts should be the responsibility of the new national/regional government as soon as the states have been re-incorporated. The Working Group notes that a new government will have to consider how to deal with debt irregularities, if any.

3.2.10 PROPOSED APPOINTMENT OF COMMITTEES

Working group 4 is unanimous that two committees be appointed to conduct investigations and to undertake consultation with concerned parties into various aspects as will be indicated in each case.

3.2.10.1 COMPOSITION OF COMMITTEES

Each committee should be a nine-member multi-party committee consisting of:

3.2.10.1.1 five representatives, one from each of the SATBVC administrations,

3.2.10.1.2 four representatives nominated by the remaining parties at Codesa.

3.2.10.2 TERMS OF REFERENCE OF THE COMMITTEES

A committee on the retention of business confidence and use of existing infrastructure will be tasked to investigate and make recommendations to the relevant parties on the following:

3.2.10.2.1 Harmonisation of tax regime.

3.2.10.2.2 Harmonisation of labour legislation.

3.2.10.2.3 Possibility of granting temporary exemptions from tax.

3.2.10.2.4 Introduction of export and other investment incentives.

3.2.10.2.5 Protection of existing tax concessions for a reasonable period.

3.2.10.2.6 Consideration of retention of Schedule 3 concessions under the Regional Industrial Development Programme.

3.2.10.2.7 Protection of existing investments.

3.2.10.2.8 Investigation of the causes and effects of mass action on business confidence.

RESERVATION

The ANC expressed its concern that this should not prejudice its right to undertake mass action in general.

3.2.10.2.9 Whether the process of harmonisation should be implemented incrementally.

3.2.10.2.10 Whether, where prejudices arise, exemptions should be granted for a definite period.

3.2.10.2.11 Whether the granting of exemptions should be fairly automatic up to a certain date.

3.2.10.2.12 A close study of the taxation system to be undertaken.

3.2.10.2.13 The whole question of optimal use of existing infrastructure during transition and after re-incorporation.

3.2.10.2.14 Any other matters relevant to the above issues.

3.2.10.3 A COMMITTEE TO LOOK INTO THE QUESTION OF GOOD ADMINISTRATION DURING TRANSITION AND THE FUTURE OF THE CIVIL SERVICE WITH PARTICULAR REGARD TO THE FOLLOWING:

3.2.10.3.1 Reorganisation of administration around the existing structures.

3.2.10.3.2 The subsequent absorption of the TBVC personnel on re-incorporation.

3.2.10.3.3 The following questions in regard to the civil service, security service, parastatals, etc:

- uniformity of salaries and conditions of service.

- security and transferability of pension benefits.

- assimilation and training of skilled staff.

- appointment on merit i.e. qualifications, experience and ability irrespective of race, colour, creed or sex.

- strict adherence to the IMF norm that the total civil service remuneration should not exceed 30% of the national/regional income.

- rationalisation of excessive bureaucracy on a humane basis.

3.2.10.3.4 An extensive rationalisation programme of the public services involving the SATBVC states.

3.2.10.3.5 The appointment of a nonpartisan body to implement the process of rationalisation.

3.2.10.3.6 Any other matters relevant to the above issues.

3.2.11 PRACTICAL IMPLICATIONS

The following will be the practical implications of.re-incorporation:

3.2.11.1 The re-incorporated state will again fall under the geographic jurisdiction of the RSA.

3.2.11.2 That state's people will be South African citizens.

3.2.11.3 That state will become subject to the authority of the Government of South Africa under the new constitution, interim or final.

3.2.11.4 The re-incorporation process will have to be formally legislated through the relevant legislative bodies.

3.2.11.5 The "international" boundaries between that state and the RSA will fall away.

3.2.11.6 The need for diplomatic ties between the RSA and those states will fall away.

3.2.11.7 If all four TBVC states are re-incorporated, South Africa would once more be undivided, thus achieving one of the main objectives of the

Declaration of Intent signed by the parties to Codesa.

3.2.11.8 It is as well to mention that if any TBVC state were to decide not to be re-incorporated, it would have to seriously consider the effects that decision would have on that state.

RESERVATION

The Bophuthatswana government reconfirmed its position that, in the event of non-reincorporation, all existing bilateral agreements should continue to be in operation.

3.3 Consensus was also reached on mechanisms of addressing the political, legal and constitutional implications of re-incorporation. It was agreed to establish a Technical Committee. This Committee should also consult the Gender Advisory Committee. It should investigate within the context of the terms of reference of Sub-group 4 of Working Group 4 the following:

3.3.1 the relationship between South Africa and the TBVC states during the transitional phase;

3.3.2 consider legislation that would be required to effect re-incorporation;

3.3.3 consider legislation and/or measures that would level the political playing field;

3.3.4 harmonisation of legislation.

4. POINTS NOT YET COVERED BY WORKING GROUP 4 FROM THE TERMS OF REFERENCE

Mechanisms of dealing with some of the aspects of the terms of reference not yet covered by Working Group 4 are suggested in paragraphs 3.3 above:

4.1 strategies to keep the people of the TBVC states fully informed, especially to avoid unfortunate misunderstandings;

4.2 the time frames for such a re-incorporation and related processes;

4.3 the exact form of authority in the TBVC territories;

4.4 harmonisation of legislation and taxation;

4.5 orderly termination of bilateral and multilateral agreements and treaties;

4.6 ensuring public accountability of actions taken for the purposes of re-incorporation;

4.7. the identification of specific constitutional, legal and political measures and steps which will have to be taken to effect re-incorporation.

UNQUOTE

COMMENTS BY PRINCIPALS ON REPORT OF WORKING GROUP 4 TO CODESA 2

DATE: 12 MAY 1992

"The South African Government reserves its position in respect of the report of Working Group Four to Codesa 2, pending the outcome of the deliberations in Working Groups 2 and 3"

REPORT OF WORKING GROUP 5 TO CODESA 2

QUOTE

1. INTRODUCTION

The Terms of Reference given to Working Group 5 (WG5) by CODESA 1 involved inter alia:

1.1 The monitoring of progress made in Working Groups 1 - 4.

1.2 The establishment of time frames within which the CODESA process should operate, and

1.3 The identification of legislation emanating from the CODESA process and the drafting thereof.

In order to conduct its work more effectively, it was necessary to clarify how certain issues emanating from the other Working Groups should be dealt with, and after consultation with the Daily Management Committee (DMC) it was agreed that issues pertaining to the administrative process and procedure should be addressed by the DMC, and issues pertaining to political process and content should remain the responsibility of WG5.

Unfortunately little progress has been made by WG5, the main reason being that by the very nature of its Terms of Reference its work is reactive rather than proactive. This has led to a certain degree of frustration on the part of the delegates serving on WG5.

2. PROGRESS MADE

2.1 STRUCTURE OF WG5:

It was decided at an early stage that WG5 should be divided into two Sub-groups; Sub-group 1 dealing with time frames, and Sub-group 2 dealing with legislation. Each Sub-group divided into 4 Task Groups, viz 1 - 4, which dealt with progress being made in Working Groups 1 to 4 respectively.

2.2 IDENTIFICATION OF KEY ISSUES:

After studying the minutes of the other Working Groups, WG5 identified and recorded those key issues which it felt should be addressed by CODESA.

2.3 MODUS OPERANDI OF WORKING GROUP 5:

In order to effectively carry out its duties, WG5 established the following:

2.3.1 A process of studying the minutes of the other WGs so as to identify tasks for WG5 such as establishing time frames and the need for legislation.

2.3.2 A mechanism for dealing with decisions which require draft legislation so that the final documents correctly fulfil the requirements arrived at by the CODESA process.

2.3.3 A proposal for a committee of suitably qualified experts to assist with the drafting of legislation.

2.4 PROACTIVE IDENTIFICATION OF REQUIRED LEGISLATION:

In the absence of firm proposals for new legislation, WG5 decided to be proactive and identified the following:

2.4.1 DISCRIMINATORY LEGISLATION

Using a Law Commission draft report, a list of 68 acts was examined to determine which contain racial and gender discriminatory provisions which may require attention.

2.4.2 ELECTORAL BILL

Deciding that if truly democratic elections are to be held in the near future, a suitable electoral act will be required. WG5 began an examination of existing electoral acts in preparation for the drafting of a new act for South Africa.

3. MONITORING ROLE OF WORKING GROUP 5:

Problems were experienced by WG5 in endeavouring to monitor the CODESA process. This resulted in WG5 Steering Committee meeting, with the DMC to discuss the problem which led to the following decision being taken:

"Copies of the minutes of all other Working Group plenary sessions, together with summaries of recommendations and agreements emerging from

these plenaries, should be made available to WG5 at the earliest possible opportunity".

The lack of real progress in achieving the goals inherent in WG5's Terms of Reference is largely due to the lack of progress in the other Working Groups with regard to clear recommendations concerning time frames and the need for draft legislation.

RECOMMENDATION

The dearth of work for WG5 emanating from other Working Groups has led to much frustration within WG5 and its members. This had led to the suggestion that another mechanism be devised to deal with its duties as stated in its Terms of Reference. However, it must be accepted that in due course certain very important duties will have to be performed, especially with regard to drafting of legislation.

It is recommended therefore, that WG5 should only be brought into session when clear agreements and decisions concerning its Terms of Reference are forthcoming from Working Groups 1 to 4.

UNQUOTE

ANNEXURE C

THE CONVENTION FOR A DEMOCRATIC SOUTH AFRICA (CODESA):

MEMBERS OF THE POLLOWING INTERNATIONAL ORGANISATIONS AND DIPLOMATIC REPRESENTATIVES WERE INVITED TO ATTEND CODESA 2 AS OBSERVERS

A. INTERNATIONAL ORGANISATIONS

EUROPEAN COMMUNITY:

Dr Jos Manuel Durao Barroso	Head of Delegation. Secretary of State of Foreign Affairs of Portugal.
Mr Alvaro Mendonca E Moura	
Mr Antonio Antas De Campos	
Mr Pepro Moitinho De Almeida	

EC COMMISSION:

Mr Erwan Fouere	Head of Delegation Charge de Mission de la Commission
Mr Leonerdo Schiavo	Head of Sector: Relations with South Africa
Mr Tim Sheehy	Head Commission Technical Office in Pretoria

COMMONWEALTH:

HE Chief Emeka Anyaoku	Secretary-General
Sir Anthony Siaguru	Deputy Secretary-General (Political)
Mr Max Gaylard	Director: Int Affairs Division
Dr Moses Anafu	Asst Director: Int Affairs Division
Mrs Lorna McLaren	Senior Executive Secretary

NON-ALIGNED MOVEMENT:

Mr Vladislav Drljevic	Head of Delegation Ambassador of Yugoslavia to Zambia
Mr Satyabrata Pal	High Commissioner of India to Botswana

UNITED NATIONS:

Mr Chinmaya Gharekhan	Leader of Delegation PR of India to UN
Mr Hisham Omayad	Director: Dept of Political Questions
Mr Nicolas Bwakira	Director: Regional Bureau for Africa, UNHCR
Mr Jonas Foli	Senior Liaison Officer: Cape Town, UNHCR

ORGANISATION OF AFRICAN UNITY:

Seven members of the following group will form the official delegation:

Maj-Gen Aos Nwachukwu	Leader of Delegation Foreign Minister of Nigeria
Mr Paul K Ssemogerere	Second Deputy Prime Minister/Foreign Minister of Uganda
Chief Segun Olusola	Nigerian Ambassador to OAU
Mr J Bendjama	Algerian Ambassador to OAU
Mr Javan Kulary	Ugandian Ambassador to OAU
Mr Thamos Makombe	Zimbabwian Ambassador to OAU
Mr Norbert Ngova	Congo Ambassador to OAU

Officials:

Brig Hasim Mbita	OAU Liberation Committee
Mr M Kane	OAU Political Department

B. FOREIGN REPRESENTATIVES IN SOUTH AFRICA INVITED TO ATTEND CODESA 2:

APOSTOLIC DELEGATION (Vatican)
HE Mr Ambrose de Paoli

ARGENTINIAN EMBASSY
HE Mr Hugo Porta

AUSTRALIAN EMBASSY
HE Mr CE McDonald

AUSTRIAN EMBASSY
HE Dr A Moebius

BELGIAN EMBASSY
HE Dr R van Overberghe

BRAZILIAN EMBASSY
HE Mr I Torres-Carrilho

BRITISH EMBASSY
HE Mr A Reeve

CANADIAN EMBASSY
HE Mr CW Westdal

CHILEAN EMBASSY
HE Mr C Bustos

CZECH AND SLOVAK FEDERAL REPUBLIC EMBASSY
HE Mr F Dlhopolcek

DANISH EMBASSY
HE Mr P Bruckner

EGYPT (Director for Africa: Egyptian Foreign Ministry - Cairo)
Ambassador Sayed Refaat

FEDERAL REPUBLIC OF GERMANY EMBASSY
HE Dr Wolf-Ruthart Born

FINNISH EMBASSY
HE Mr KY Bjorn Ekblom

FRENCH EMBASSY
HE Mrs Jolle M-P Bourgois

GREEK EMBASSY
HE Mr PA Tsamoulis

GUATEMALA HONORARY CONSULATE
Mr M Rast

HUNGARIAN EMBASSY
HE Mr L Mohai

ICELANDIC CONSULATE
Mr H Kristjansson

INTERNATIONAL COMMITTEE OF THE RED CROSS
Mr T Pfanner

IRISH CONSULATE
Mr P Ryan

ISRAELI EMBASSY
HE Mr Z Gov-Ari

ITALIAN EMBASSY
HE Dr M Piersigilli

JAPANESE EMBASSY
HE Mr M Ohta

LESOTHO TRADE MISSION
Mr JK Mollo

LUXEMBOURG CONSULATE
Mr T Meretith

MALAWIAN EMBASSY
HE Mr NT Mizere

MOROCCAN INTEREST OFFICE
HE Mr Mohamed Said Benriane

MOZAMBIQUE TRADE MISSION
Mr E Nhavoto

NAMIBIA (Permanent Secretary for Foreign Affairs: Windhoek)
Mr A Guibeb

NETHERLANDS EMBASSY
HE Mr PA van Buuren

NORWEGIAN EMBASSY
HE Mr J Otterbech

PARAGUAY EMBASSY
HE Mr Raul Dos Santos

POLISH EMBASSY
HE Mr Stanislaw Cieniuch

PORTUGUESE EMBASSY
HE Mr J Ritto

REPUBLIC OF CHINA EMBASSY
HE Mr I-cheng Loh

ROMANIAN EMBASSY
HE Mr D Ciubotariu

RUSSIAN FEDERATION EMBASSY
HE Mr AA Makarov

RWANDA CONSULATE GENERAL
HE Mr F Barrawerekana

SPANISH EMBASSY
HE Mr M Ucelay

SWAZILAND TRADE MISSION
Mr BS Malinga

SWEDISH LEGATION
HE Mr I Stjernberg

SWISS EMBASSY
HE Mr B Schenk

TURKISH CONSULATE GENERAL
Mr Sami Cansen Onaran

UNITED STATES EMBASSY
HE Mr WL Swing

URUGUAY EMBASSY
Dr F Ditter

ZIMBABWE TRADE MISSION
Mr SH Comerbach